

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
MARCH 12, 2010 IN THE MARVIN CENTER, ROOM 403

- Present:** President Knapp, Executive Vice President for Academic Affairs Lehman, Registrar Amundson, and Parliamentarian Charnovitz; Deans Barratt, Phillips, and Reum; Professors Biles, Cordes, Corry, Dickson, Galston, Garcia, Garris, Green, Griffith, Helgert, Hotez, Johnson, Pagel, Parsons, Rehman, Robinson, and Wirtz
- Absent:** Deans Brown, Burke, Dolling, Futrell, Lawrence, and Scott; Professors Barnhill, Benton-Short, Boyce, Costanza, Harrington, Klaren, Lipscomb, Plack, Simon, Wilmarth, and Windsor

CALL TO ORDER

The meeting was called to order by President Knapp at 2:20 p.m.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of February 19, 2010 were approved as distributed.

RESOLUTION 09/3, "A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES"

Professor Garris, Chair of the Senate Committee on Professional Ethics and Academic Freedom, introduced Resolution 09/3 and moved its adoption. He reported that, following the Resolution's recommitment to Committee, revisions had been made, and that he would review the provisions of the Resolution in detail. For this purpose, he presented a Powerpoint report, which is enclosed with these minutes.

Professor Garris began by saying that Resolution is very important to all faculty at the University, because it concerns issues of tenure and shared governance and how the interaction of the two lead to academic excellence.

The first portion of Professor Garris's report outlined highlights from the website of the School of Public Health and Health Services (SPHHS). The School was established in 1997, bringing together three long-standing University programs in the Schools of Medicine, Business and the Graduate School of Education and Human Development. The School's fully-accredited public health programs have expanded substantially since the School's founding. More than 900 students are enrolled in seven academic departments, within

which sixteen specialist centers, institutions and special programs offer state-of-the-art research and training. Joint degree programs are also offered. According to information on the SPHHS website, the School's current research portfolio is approximately \$18 million. [See Interim Dean Reum's comments concerning this figure.]

Professor Garris read through the vision statement for the School and then commented that when one looks at this vision for the future, one is struck by the similarity between it and the vision set forth in the Strategic Plan for Academic Excellence. The School shares the same goals that all of GW's schools are working toward and does the same kinds of things that the other schools do. Professor Garris added that SPHHS is a unit that has come a long way, with impressive accomplishments.

Professor Garris next reviewed the Whereas Clauses in Resolution 09/3. The first clause speaks of the Faculty Senate's active encouragement for and support of the School's efforts to achieve its aspirations for academic excellence. In 1996, the Senate worked closely with the administration in launching the School. Compliance with the *Faculty Code* was a clear expectation when the School was founded. In recent years, a Joint Subcommittee chaired by Professor Edward Cherian has worked closely with the SPHHS to move it toward *Code* compliance with respect to Article I.B.1., which sets forth required percentages of tenured or tenure-track faculty in departments and schools.

Professor Garris spoke briefly about the role and importance of shared governance at the University. The idea, he said, is if excellence is the goal in a University, it must have excellent faculty. This fundamental principle goes back to 357 B.C. when Plato thought of it. If an institution has an excellent faculty, it will be able to attract excellent students, and excellent administrators, and with a strong faculty presence, achieve academic excellence overall. Involving faculty in decisions about the future of the institution and its perpetuation and improvement is critical as is the protection of academic freedom.

Professor Garris then spoke about why tenure is important and its connection to shared governance. Under the *Faculty Code*, tenured faculty are classified as regular, active-status faculty, whereas limited service and visiting faculty and research classified separately. Tenured faculty are independent and their right to academic freedom is protected. They can act without fear of losing their positions if intimidation or coercion is exercised by their supervisors or by administrators. Tenured faculty are also long-term employees who have been subjected to a rigorous selection process. Regular, active-status faculty must also contribute on a continuing basis to the three key aspects of academic life – teaching, research, and service – and the criteria for promotion centers on these three areas of participation.

Turning to the issue of *Faculty Code*-specified governance matters, Professor Garris observed that the *Code* does not require faculty participation in all governance matters. For most of the schools in the University, it restricts the exercise of the following governance matters to regular, active-status faculty:

the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures for the Implementation of the Faculty Code (Procedures)

the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures,

the appointment of academic administrative officers pursuant to Part C of the Procedures, and

the development of curriculum and academic programs pursuant to Part D of the Procedures (“*Code*-specified governance matters”)

Professor Garriss read Article I.B.1. of the *Code* which concerns the grades of academic personnel at the University. This article specifies that “the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing.” The provisions of this article apply to faculty ranks in the SPHHS. Article I.B.1.’s purpose ensures that in the majority of the schools of the University most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity. It further ensures that faculty members who participate in *Code*-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV. A. 6. b) and IV. B.1. of the *Faculty Code*, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding *Code*-specified governance matters.

The problem that Resolution 09/3 seeks to remedy is that there are two exceptions to this rule. The first is that Article I.B.1. applies to the faculty of all of the schools in the University except for the faculties of the Law School and the College of Professional Studies, as well as “Medical Center faculty who are stationed at affiliated institutions.” The second is contained in a footnote on page 18 of the *Code* which provides that, “In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term ‘regular’ faculty appears in this document.”

Because the SPHHS was placed under the umbrella of the Medical Center, the result was that the footnote on page 18 of the *Code* made it possible for clinical professors, professorial lecturers, adjunct professors, and research professors – all of whom are members of the Medical Faculty Assembly – to vote on *Code*-specified governance matters. As mentioned before, the SPHHS since its founding has had a large number of research faculty and the proportions of the regular, active-status faculty and the research faculty are nearly equal. These research faculty members, who are not subject to the same standards as regular, active-status faculty, actively participate in *Code*-specified governance matters within the School. Professor Garriss explained that the exception contained in the footnote on page 18 of the *Code* which permitted this to occur was added to the *Code* over two decades ago, long before the SPHHS was included as a separate School in the Medical

Center. At that time, the Medical Center included the Medical School, the University Hospital, the Medical Faculty Associates, and the GW Health Plan. It was the conclusion of the PEAFC Committee that the original intent of this footnote was to allow clinical and research medical faculty to participate in *Code*-specified governance matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools of the University.

Given all of the above, it was the conclusion of the PEAFC Committee, based upon the purposes and objectives of Article I.B.1. of the *Code*, that research faculty of the SPHHS should not be granted authority to participate in *Code*-specified governance matters in the School.

Before turning to a review of the Resolving Clauses of Resolution 09/3, Professor Garriss emphasized that, in matters that are not *Code*-specified governance matters, the Resolution does not affect the rights of research faculty in the SPHHS to participate in the governance of the Medical Center pursuant to the Medical Center Organization Plan.

The Resolving Clauses of Resolution 09/3 provide for the following:

1. That, in Article I.B.1. of the *Faculty Code*, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the *Faculty Code* ("Procedures"), on page 18, be amended to substitute the words "School of Medicine and Health Sciences" for the term "Medical Center" so that it would read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("School of Public Health and Health Services") shall take appropriate steps, in collaboration with the faculty of the School of Public Health and Health Services, to develop governance procedures for the School of Public Health and Health Services (including appropriate school and departmental bylaws) that shall bring the School of Public Health and Health Services into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the School of Public Health and Health Services shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011,

describing the steps taken by the School of Public Health and Health Services to achieve full compliance with Parts A through D of the Procedures.

5. That the report by the Dean of the School of Public Health and Health Services referred to in Paragraph 4, above, shall also (i) describe the progress made by the School of Public Health and Health Services in moving toward full compliance with Article I.B.1 of the *Faculty Code* and (ii) provide an estimated date for achieving full compliance with that provision.

In conclusion, Professor Garris thanked the Senate for its attention, and said that the PEAFC Committee believes that there is a strong linkage between academic excellence and a strong tenure system intertwined with shared governance. Resolution 09/3 embodies this principle. He added that if the Senate believes that a strong tenure system combined with shared governance is the path to academic excellence in a University, it would vote to adopt the Resolution. If on the other hand the Senate concludes, as some others have, that the tenure system and the cap and gown are relics from a medieval era that should be abolished in the present University, then it should vote against the Resolution.

Following Professor Garris's presentation President Knapp suggested that, due to the length of the Resolution, questions be posed to Professor Garris before discussion for or against adoption of the motion. He noted that a good deal of thought had clearly gone into drafting the Resolution and that the Senate had been provided with a clear and comprehensive presentation.

President Knapp noted the distinctions drawn in the Resolution between tenured and tenure-accruing faculty on the one hand, and research faculty on the other. As the first of the Resolution's Resolving Clauses focuses on the SPHHS and not on research faculty *per se*, the Resolution does not appear to exclude research faculty in the Medical School from participating in *Code*-specified governance activities. President Knapp asked if this focus on the School rather than on a faculty category was intentional.

Professor Garris confirmed that research faculty in the Medical School can participate in *Code*-specified governance activities according to provisions of the *Faculty Code*. While the PEAFC Committee discussed this issue at some length, in the end it concluded that it did not wish to depart from the charge given to it by the Senate Executive Committee, which was limited to the SPHHS. A number of people on the Committee felt that perhaps the Resolution should be enlarged so as to apply to research faculty in the Medical School, but in the end, a decision was made that this is an open question still to be resolved.

Executive Vice President Lehman observed that all research faculty at the University are on one-year contracts as a matter of policy, and salaries of these individuals depend upon funding from sponsored research.

Vice President Lehman said that he thought it interesting that the *Faculty Code* does not provide for a category of research faculty *per se*. Rather, in Article I, it describes the grades of academic personnel, and provides that research staff may be granted a number of

professorial titles. These individuals are not included in the regular-active-status category of academic personnel. So the question arises as to whether or not these individuals actually have faculty status at all.

Professor Garris responded that this was a point considered by the Committee. These individuals do not necessarily have faculty status, and they may or may not have the qualifications that would make them eligible for it.

Professor Hotez said he thought that things are different for the SPHHS. Managed the right way, over the next decade, it could become a top public health school. This potential is not likely for other schools in the University in that time frame. Professor Hotez urged that the Senate look at the issue a little bit differently. He said if he were the University President, he would want to bring together some of the great thought leaders in public health in the United States and task them with finding out what needs to be done to put the SPHHS in the top five professional schools of public health. The answer may indicate a balance is required between regular, active-status faculty and research faculty. At this point, Professor Hotez said he didn't think the information is available right now to determine what a top-ranked public health school is, and what would be required for GW to achieve this.

President Knapp encouraged the Senate to focus first on questions about the Resolution rather than debate the pros or cons of adopting it.

Professor Wirtz prefaced his remarks by saying that he was not referring to Professor Hotez or anyone in particular. He reminded everyone that the Senate would be engaging in a very civil debate, and he asked that everybody in the room practice an appropriate level of civility in their remarks.

Turning to the 8th Whereas Clause in the Resolution which refers to the intent of the footnote on page of 18 of the *Faculty Code*, Professor Wirtz said it seemed to him that the important point that is made there is that, because of key roles undertaken by faculty in medical education with its strong emphasis on practice-based instruction, it was decided many years ago in determining the language of the *Faculty Code* that the duties of the Medical Center faculty are not altogether similar to the primarily academic and scholarly roles that regular, active-status faculty are expected to perform in other schools of the University. He asked Professor Garris if there was something about practice-based instruction that is exclusively associated with the Medical School but is not associated with any other school, including the SPHHS.

As noted before, Professor Garris said he was not entirely sure that the provisions of the *Faculty Code* pertaining to the Medical School are warranted at this point. At the time that language about the Medical Center in the *Code* was adopted, the Medical School was the only school within the Medical Center. In addition, the Medical Center included the University Hospital, what is now the Medical Faculty Associates, and the GW Health Plan. The Medical Center itself conducted very little research, and concerned itself mainly with clinical practice. There was at that time a very wide spectrum of academic personnel that the Medical Center wanted to include in the governance process. Even though the SPHHS was included under the umbrella of the Medical Center since its founding it is clear that the

understanding has been that SPHHS would comply with Article I.B.1 of the *Faculty Code*, even if the timetable for achieving this goal has not always been agreed upon.

President Knapp said he thought that the clinical faculty question is somewhat separate from the research faculty question. This issue, as everyone knows, will arise when the proposal to discuss the possible establishment of a School of Nursing at the University proceeds. Resolution 09/3 as written would exclude research faculty in SPHHS from participation in *Code*-specified governance matters, but not research faculty in the Medical School.

Professor Cordes inquired if there are research faculty in the Law School, which is a professional school exempted from certain provisions of the *Faculty Code*. No one present could answer this question.

Professor Griffith urged that the Senate focus its discussion on the Resolution. He said he understood the President's wish to be clear about the fact that research faculty at the Medical School will be in a certain sense de-legitimized by this, and he understood that is a problem. He said he thought it would be a good thing if the whole footnote on page 18 were taken out and looked at by the Senate again, but that the Senate would never get through the debate that day if it did not focus on the SPHHS.

Professor Corry said he was not very familiar with the functions of the Medical Faculty Assembly, but he observed during Professor Garris's presentation that adjunct professors are members of this Assembly and can therefore serve and vote on governance matters in the SPHHS or the Medical School just as research faculty do. He asked if the Senate could be provided with more information on the function of the Medical Faculty Assembly and its importance to the Medical Center.

Vice President Lehman informed the Senate that the SPHHS currently has 55 regular, active-status faculty members, and 52 research faculty members, while the Medical School has only 36 research faculty members. He added that it was his understanding that the Medical Center exemption was added to the *Faculty Code* because there were people who came to the Hospital to do rounds and contributed to the teaching function of the Medical School. Most of these individuals have the title of clinical faculty and fall under the limited service category, just as adjuncts and professorial lecturers do. At present, under the SEIU contract, adjuncts and professorial lecturers are defined differently in the Medical School and the SPHHS.

At this point in the meeting Interim Dean Reum indicated that he wanted to speak to the issues. Professor Griffith observed that the Dean is an administrative member of the Faculty Senate who does not need to be recognized by an elected Senate member to obtain the privilege of the floor. President Knapp asked if everyone had posed enough questions to clarify their understanding of Resolution 09/3. The answer being affirmative, Dean Reum was seated at the table with Senate members so that he could be heard. Following a few pleasantries, he addressed the Senate as follows (his remarks are shown in italics):

We are in fact going to go back and fix our website. Our research portfolio is not \$18 million, it's \$30 million. And I should have been paying closer attention to that. A couple of other small issues that relate to – well, actually let me start with the first one which is where the Chairman of the Committee started.

My objection and my conversation with our faculty and others had to do with a Whereas Clause that was in the prior proposal when I read it last month [he is referring to language included in a previous version of Resolution 09/3 that was distributed with the agenda for the February 19th Senate meeting. At that meeting Resolution 09/3 was recommitted to Committee]. And I appreciate Professor Garriss's reminder concerning civility.

President Knapp said he thought that Dean Reum was citing a remark by Professor Wirtz rather than Professor Garriss, and Dean Reum corrected himself. Dean Reum then read the excerpt from the prior proposal.

"Whereas members of the research and non-tenure-accruing faculty in the School of Public Health and Health Services are typically appointed on short term contracts, are subject to potential domination by the administration of School of Public Health and Health Services and are less likely than tenure-accruing faculty to have the academic independence and scholarly background needed to achieve high levels of scholarly excellence and academic recognition to which the University aspires ..."

I grew up as a special education student and so I know what it means to be a second-class citizen and when I read this particular paragraph I was horrified. On behalf of a University Committee to say that people who are not on the tenure track are less worthy or less able seemed to me to be completely counterintuitive to the good efforts of the Senate to provide guidance and leadership. And so that was my primary objection at that point. That's very personal. It's also personal because as far as I know I am the only non-tenured Dean in the University and actually one of two non-tenured Deans in the 44 Schools of Public Health. So for me it was a little bit of a breathtaking moment. And I would encourage this body as maybe a separate action, to disavow yourselves of what is on the public record as a Whereas of your Committee on Professionalism and Ethics. In a statement that I think is, [he is addressing Professor Garriss] it doesn't build community, sir.

Now to my points here. I appreciated the opportunity last week to meet for the first time with the Committee that's monitoring the School and has been monitoring the School since 2002. I think we had a good conversation. One of the things that we talked about was if regular faculty and non-tenure-track faculty and tenure-track faculty are taken together, what does that mean for the research faculty. And I came in [to this Senate meeting] with some information – I didn't kill too many trees, but I brought four copies and I want to give you one in particular, because you raised the question of practice. And there was a question about what is happening in other Schools of Public Health . The notion of how we fit into an academic mission is not unique to the The George Washington University.

[Dean Reum disclosed that he had sent an electronic version of the documents he was about to distribute to the Senate Office. These documents were not made available to

that Office until shortly before the Senate meeting began, and thus they could not be distributed to the Senate in advance. These documents may be reviewed by contacting the Faculty Senate Office. A letter from Dean Reum to the Senate about the Resolution dated February 19, 2010, distributed at the February Senate meeting, is included with these minutes for the record.]

What you have there is material from the Association of Schools of Public Health. And it looks at issues of tenure, and appointment, promotion and tenure. But there is also a focus and has been a focus about how to think about practice-based faculty. In five of the Schools they refer to them as clinical faculty and they have the same standing as faculty in our School of Law have. And I think that the other piece of data that I got in non-IRB approved research by calling Deans of School of Public Health is that about 90% of them -- of our Schools of Public Health are housed in academic health centers. Or Medical Centers. And of that 90% better than half of them are governed under a separate code from their University. And it is not uncommon nor is it unusual -- I appreciated the Committee's comparison of our School's trajectory to that of Columbia and that of Harvard, which have an entirely different model for how faculty work and where their schools are located. I also wanted to mention that Professor Cherian has been very helpful to us, in the work in trying to bring the School into compliance. One of the things that we've paid attention to is the fact that because of the way that the Medical School Faculty Organization Plan is organized, set out, we share Appointment, Promotion and Tenure criteria with the School of Medicine. As a result those were not very clearly articulated. Instead they tended to be an interpretive dance for Appointment, Promotion and Tenure Committees to have to deal with.

Since I became Interim Dean there has not been a vote of our Appointment, Promotion and Tenure Committee where a research faculty was in the room and voting, I can absolutely promise you that. I can also tell you there has not been a Search Committee charged for a tenure-accruing position without it being chaired by a tenured faculty since I've been Dean. The vote of the Search Committee for a Dean was presented as problematic. The outline of those particular rules are that when those five candidates come later this month and throughout April that the final vote will belong to the members of the tenured faculty. The other people on that Committee do not have a vote as to who the three top candidates are that will be presented to the President of the University.

So in terms of core compliance, I think we are in core compliance. Is it optimal? Well it is if, since 1997, all kinds of faculty have been participating in all kinds of decision-making. And so I think it is progress, and I think it's progress that's in compliance with your intent. But back to Appointment, Promotion and Tenure. The fact is that the School didn't have strict Appointment, Promotion and Tenure criteria. And so in December I asked for a Committee to be gathered together and asked them to present, by the end of this month, a draft of Appointment, Promotion and Tenure criteria for all three categories of faculty. And by that I mean I mean our faculty who are tenure-accruing, our faculty who are non-tenure track, and our faculty who are currently called research faculty.

Now I'd be happy tomorrow to change their name to clinical faculty and declare ourselves to be in alliance and allegiance with the School of Law, or in alliance and allegiance with the School of Medicine. Because clinical faculty, and if one looks at the definition of

clinical faculty, that's closer to what our research faculty are doing. But we're not able to do that, so what we did is we convened this group, that represented each and every department and each and every category of faculty, and they are working on each, so the non-tenure-track faculty are working on their criteria based on this document here that shows all of the Appointment, Promotion and Tenure criteria for Schools of Public Health in the United States. And they are putting together how you proceed from being an Assistant Professor to an Associate Professor. All three of those will then go forward to our Appointment, Promotion and Tenure Committee, which only includes fully tenured members of our faculty who will vote about what is presented, then to the faculty so that we can go forward. This will mean that we will be literally way ahead of many other Schools of Public Health and I point out, way ahead of many schools here at The George Washington University in terms of clarity about promotion criteria for non-tenure-track faculty, for tenure-track faculty and for research faculty. Because people do come here. We have some research faculty who have been here since the School was founded in 1997. They are making their career here. So there need to be explicit criteria, and as you pointed out, for how to think about research faculty and how to promote them. We're doing that, we've done that and so we're a little bit ahead of that game.

It presents a little bit of a challenge for us to have the Faculty Senate pass this particular motion which in effect says to research faculty who are currently participating in say, the Curriculum Committee, and let me give you an example of how that works. We're putting together a class on the Haitian crisis, what happened after the earthquake, what are the kinds of things [responses that could be made]. We have four research faculty whose careers were at the World Health Organization, at the U.N. at the federal government and at FEMA, most of whom would not be able to be tenured under our current criteria. But they're here because they got grants. And they brought their grants with them. They weren't sort of staff, they'd already been selected by international competition to be the leaders of these various projects. They're sitting on the Curriculum Committee helping to design that curriculum. In clear violation of what it is you are calling for. Clear violation. And I am as proud as I've ever been, to be in violation. Because we'll have the absolute best curriculum on how to practice public health and how to do an intervention of any School in the country. That's how we think about our research faculty. They're not just there to advise us. They're there to be partners with us.

President Knapp observed that the Resolution had not been adopted, and thus, for the sake of clarity in the meeting record, no violation of the *Faculty Code* had yet occurred. Dean Reum agreed that procedures in SPHHS similar to those at the Medical School do not at this point constitute a violation.

Dean Reum continued, saying that:

Legal counsel for the School have presented to us the fact that we have research faculty, that is, faculty who are titled as research faculty who sit on our Curriculum Committee, representing their departments. And that that would be in violation [if the Resolution were adopted], Likewise, we have research faculty who sit on the departmental Appointment, Promotion and Tenure review process. That would be in violation even for them to be there when the departments are looking at promoting research faculty members.

So the value of peer review, I guess only applies to one part of what we do and not another. We are not at the forefront here.

I need to tell you we are not a rogue School of Public Health. We're way behind where the other Schools of Public Health are in the country about how we think about practice faculty or how we think about clinical faculty. And I think maybe what we have here is a titling problem. And while I appreciate the Committee's view that we're dominated by research faculty I have to tell you I'm sitting here today because of one or two disgruntled tenured faculty members who didn't get their way on the search process for the Dean. And I need to be up front with you about that. Our research faculty are not battling with the non-tenure-track faculty or the tenure-track faculty; there isn't some terrible thing going on. And you know, there was an opportunity not too many years ago when we looked at the College of Professional Studies to revisit that very place where you are talking about amending. But, we had an opportunity there and I don't know why we didn't take it. And so I guess I am wondering why are we taking it now and what is the impetus for this, and I've got to ask you the fundamental question which is, when you make this change, not only do our research faculty lose their standing in terms of how they are currently participating, not so much as a function of the Faculty Code, but because you're amending what it means to be a regular faculty member in the Medical Center. And I think that there probably would be an opportunity for the Medical Center Faculty Senate to take some review of this. It's called the quadrennial review and it happens as a function of the Medical Center's Faculty Organization Plan and it's coming up I think in about a year or two, but I would ask you to think about how much we want the next person to succeed. And that's a person that's going to be on our campus later this month and in the next month. I hope one of these five candidates is able to come and I hope that their first task is not to say to the people who have come to us, to work with us, some extraordinarily talented people, prize winning people, world-class researchers, world-class teachers, world-class practitioners of public health, not only do we not want you to participate in governance, but we're going to prohibit it. And by the way, welcome to your job. Tell us about how in December you have re-written the bylaws to take people's participation away that they've had for over twelve years, and then tell us how it's going to work out and be implemented a month later. Really, no one more than me wants to have a new Dean at the School of Public Health and Health Services, except for maybe Dr. Cherian and my wife. But this is a huge lift, saying to people, you've got a culture that's been the most successful School of Public Health in the nation in terms of research, the most successful school on this campus in terms of research, and now what we're going to do is we're going to strip those people who participated in setting the strategic vision, in selecting people for chairs, stripping them of their participation. That to me is a difficult -- a heavier -- lift than getting to where Harvard is. And while I appreciated the Committee's representing Columbia and Hopkins as our competitors, two pieces of data: we don't recruit 25 faculty for the one faculty that's going to survive. We don't have the resources or space to do that. What we try and do is we try and find the absolute best faculty members and then put the kinds of supports and assistance in place so they can achieve tenure. That's a different model. Our biggest competitor is Boston University. A place that has no tenure. And the one thing that I took off the table that the Appointment, Promotion and Tenure Committee wanted to look at was tenure-review. If we did that with our current tenured faculty and compared them to the productivity of our

research faculty or non-tenure-track faculty that's not a piece of data that you would enjoy seeing.

Professor Wirtz said he was struck by Dean Reum's commentary about the immediacy of the Haiti problem and how important it is to be able to bring those sorts of issues to bear when they arise. He said he thought that every one of the professional schools at the University is in a similar situation. Certainly in the Business School there is no shortage of immediate problems that need to be solved in the real world and people who can work toward solutions to those problems as they arise are an important part of the School's mission. On the other hand, permanent faculty are responsible for understanding the core mission of the school and advancing, in a broad sense, education and research in line with the central mission of the University. He said he thought if the Business School were composed exclusively or very heavily of people who are working on problems like Haiti, unfortunately when that problem went away, those people would leave, with the result that there would be no core faculty left to advance the long-term priorities of the School. Professor Wirtz said he understood the struggle between the two competing perspectives, but that he did not find himself yet persuaded that in order to respond to immediate problems, the SPHHS necessarily has to give up the core faculty model that is followed by the other schools at GW.

Discussion followed by Professors Rehman and Cordes. Professor Rehman acknowledged the difficulties faced by the SPHHS while at the same time agreeing with Professor Wirtz's view that the Business School model has worked well. Professor Cordes also agreed with Professor Wirtz's stance, but said he thought the central issue was one of governance. In the end, he said he thought the norm for the rest of the University [as set forth in the *Faculty Code*] achieves the right sets of balances over time. This is not to say that the SPHHS does not have terrific faculty overall.

Professor Robinson said she had been thinking during the discussion about the University, not solely about the SPHHS. If SPHHS is allowed to diverge from the provisions of the *Faculty Code* and retain its current model indefinitely, this potentially has implications for the other schools of the University, particularly because the formation of a new school is under consideration and the same issues will arise. She added that she was very encouraged by the number of the changes implemented to bring SPHHS into compliance with provisions of the *Faculty Code*, and observed that, since the School is already moving toward compliance with respect to faculty ranks, it would not be that difficult to make modifications so that the School would be in full compliance with *Code*-specified governance issues.

Professor Parsons observed that SPHHS has made substantial progress in its *Code*-compliance efforts in the last two years since Interim Dean Reum has been there. This is after ten years of virtually no progress on this front. So it is very important to realize the transformation that is happening at the School; it is very positive. He agreed with Professor Garris that the SPHHS mission is similar to that of other academic units at the University and this suggests that it ought to be operating basically under the same governance rules as the other schools. Research faculty at SPHHS have until now been allowed to participate in governance matters, and the loss of these privileges may be viewed as a loss of status,

posing a very real professional, collegial issue. Taking another view, Professor Parsons said he thought if the proposal on the table was to extend governance privileges in all schools of the University to non-regular, active-status faculty, the proposal would be dead in the water. The real question before the Senate is whether or not the transition in SPHHS should begin now or in the future.

Vice President Lehman said that there might be something of a precedent to be followed in circumstances like this. In the 1970's when Lloyd Elliott was President of GW, a two-year hiring freeze was imposed for budgetary reasons and no faculty were hired in tenure or tenure-track positions. Ten to fifteen years ago, faculty hired during this time were given the option of converting over to the tenure-track. Not all of them did, but a number of faculty members gained tenure as part of that process. It might be possible, if the Vice President for Health Affairs and the SPHHS Dean worked together, to do something similar in SPHHS, whether that would involve a transfer to a tenure-accruing position or having a faculty member stand for tenure immediately. It might also be possible to convert some positions to regular, active-status contract faculty positions. Such moves would have financial implications, as a number of SPHHS positions are now funded by soft money coming from outside the Medical Center.

Professor Hotez spoke in opposition to the Resolution, saying he thought the most important thing is for GW to continue to work to have as many as possible of its schools in the top ten nationally. He repeated his opinion that the SPHHS could potentially be ranked in the top five. More information needs to be gathered on how other top public health schools are organized and SPHHS needs to follow a model that will work best for it. How the School fits into the rest of the University is something that can be figured out later, once the School has achieved prominence. That should be the approach, not just for the SPHHS, but for all of the schools at GW.

Professor Garriss offered two friendly amendments which were accepted, the first being to correct a typographical error in the third Whereas Clause and add a close quote mark, and another to delete the date of "June 10, 2010" on the bottom of page 5 of the report accompanying Resolution 09/3.

Professor Biles moved to postpone consideration of Resolution 09/3 until the new Dean of the SPHHS has had an opportunity to meet with the Senate, probably in September. The motion was seconded. A short discussion followed, with Professor Griffith expressing opposition to the motion and Professor Corry speaking in favor of it. Professor Garriss said the the PEA Committee feels strongly that the SPHHS should follow the same governance model as the other schools of the University, and he opposed the motion. There being no further discussion, a vote was taken, and the motion failed.

A motion to close debate was made and seconded. There being no discussion, a vote was taken and the motion passed. A vote was then taken on the adoption of Resolution 09/3, and Resolution 09/3 was adopted as amended. (Resolution 09/3 and the accompanying report are attached.)

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINEES FOR ELECTION TO THE NOMINATING COMMITTEE FOR THE EXECUTIVE COMMITTEE FOR THE 2010-11 SESSION

Professor Robinson moved the nominations of the following faculty members for election to the Nominating Committee: Robert J. Harrington as Convener; Kurt J. Darr (SPHHS), Mary Granger (SB), Peter Hotez (SMHS), Diana Johnson (CCAS), Robert Rycroft (ESIA), Roger Schechter (GWLS) and Lynda West (GSEHD) as members. The entire slate was approved.

II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson presented the Report of the Executive Committee, which is enclosed.

III. CHAIR'S REMARKS

President Knapp thanked the faculty for their assistance in the search for a new Provost. Dr. Steven Lerman from the Massachusetts Institute of Technology was chosen. As noted by Professor Robinson, the Provost-elect will visit campus a number of times in the coming months to learn more about the University before his official arrival on July 1. Dr. Lerman will live in a University residence on the Mount Vernon Campus. The President also noted that the new Vice President for Development and Alumni Relations, Michael Morsberger, will assume his new post the first week of April.

The President reported that there has been a great deal of progress on the replacement of Pelham Hall on the Mount Vernon campus. The building is well-designed and costs thus far are well below the projected budget. The Hall will house about 280 students and provide apartments for several faculty members who will live in residence on the campus. As the Mount Vernon campus has become something of an arts center for the student body, the Hall includes a black box theater, recording studio, and dance studio. Already, nearly 100 sophomores have expressed an interest in living at this new facility. This is striking because undergraduates have traditionally preferred to live at the Foggy Bottom campus because it is perceived as the center of student life.

President Knapp provided highlights of the week, which included accepting an Educator of the Year Award in Recognition of Outstanding Leadership in Global Education. This award was bestowed on GW by the World Affairs Council of Washington, D.C. The event was well-attended by 400 people, including 30 ambassadors. U.S. Secretary of Education Duncan and the Google Corporation were also honored at the event.

Also last week, the first lady of Haiti, Madame Préval, who is an alumna of GW's Business School, accompanied her husband to the United States on his visit to meet with President Obama. She spoke at a large gathering at the Elliott School about Haiti's recovery from the earthquake, and her particular focus on rebuilding the schools there. Senator Landrieu from Louisiana was present for the discussion, in part because of the similarities between the crisis in Haiti and the devastation to her state following Hurricane Katrina. Congressman Fattah from Philadelphia was also in attendance. President Knapp reported that GW's interest in helping to restore education in Haiti is dovetailing with that of the Department of Education. There is also some interest expressed by Congress in this mission, and several banks are potentially interested in investing in these efforts. Education has emerged as a preeminent issue in Haiti because so many of the schools were completely destroyed. The President said that Haitian estimates of the death toll following the devastating earthquake has now risen to 400,000 people, a higher number than previously thought. A particular example of damage to educational facilities he cited was the collapse of a nursing school there, which killed 300 nursing students. Quite obviously, the loss of so many professionals and the curtailment of the near-term ability to educate future professionals severely impacts the intellectual capacity of a society already at great strain.

As part of its emergency response to the Haitian crisis, President Knapp reported that he asked Dr. Skip Williams to head the Haiti response group, and he has done so very effectively. The group is working with the District of Columbia and the Consortium of Universities to coordinate responses to this crisis. Other avenues of providing assistance are also under exploration. Because GW is not a relief agency, it cannot provide enormous financial resources for the effort. However, it can and is providing expertise and advice in an emergency response to the crisis in education in Haiti.

President Knapp commented next on one of the cross-disciplinary research initiatives under development. The group coordinating the autism initiative has produced a very strong report which has now been reviewed by an outside panel of experts. It was interesting and encouraging to hear about the University's significant distributed strengths in the field of autism and also in other areas of neuroscience and diseases related to autism. This initiative would also be an opportunity for GW to build on its partnership with the Children's National Medical Center here. It is clear that this research advances best with a very broad interdisciplinary approach, as there are policy, legal and educational policy issues which are involved. Interdisciplinary research is also underway at GW in a very wide range of fields, including cancer and neglected tropical diseases. These were highlighted recently at the Medical Center's research day in the Marvin Center. As problems and international challenges become more complex, President Knapp said he thought that an institution that can undergird its strengths in the arenas of policy, economics and the social sciences, combined with expertise in the sciences, health care, and health policy will be able to make extraordinary contributions.

In conclusion, President Knapp talked about one last cross-cutting initiative under development. He said he is constantly struck by the power of Washington as a capital for the arts. Recently he said he attended the premiere appearance at the Kennedy Center of Maestro Eschenbach, the new conductor of the National Symphony Orchestra. At that event, the President encountered the newly-elected chair of the Kennedy Center, David Rubenstein, who has expressed interest in the Center becoming more involved in

educational outreach. The President said he thought it really makes sense for the University to think about how it partners with the Kennedy Center in the various areas in which both are active. The University's opportunity to partner with local organizations, including museums and performing arts institutions uniquely positions it to become a center for promoting arts education for the District of Columbia and the surrounding area.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Wirtz said that he recently toured the Pelham Hall construction site on the Mount Vernon Campus and was very impressed by the building. He also recommended that Senate members take the tour, which is open to members of the University community. President Knapp said that, in line with the University's commitment to sustainability, it looks as if the GW has been able to incorporate significant sustainability features into this new construction.

ADJOURNMENT

There being no further business before the Senate, and upon motion made and seconded, the meeting was adjourned at 4:50 p.m.

Elizabeth A. Amundson

Elizabeth A. Amundson
Secretary

**A RESOLUTION TO AMEND THE FACULTY CODE WITH
RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN
CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH
AND HEALTH SERVICES (09/3)**

WHEREAS, as further explained in the Report of the Committee on Professional Ethics and Academic Freedom attached to this Resolution as Appendix A, since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health; and

WHEREAS, the Procedures for the Implementation of the Faculty Code ("Procedures") provide that the regular, active-status faculty of each school is responsible for the following governance matters within that school: (i) the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures ("Code-specified governance matters"); and

WHEREAS, Article I.B.1 of the Faculty Code specifies: "... the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing;" and

WHEREAS, Article I.B.1 of the Faculty Code applies to the faculty of all schools in the University except for the faculties of the Law School and the College of Professional Studies as well as "Medical Center faculty who are stationed at affiliated institutions"; and

WHEREAS, a footnote on page 18 of the Faculty Code states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in this document;" and

WHEREAS, the Medical Center Faculty Organization Plan states that the voting membership of the Medical Center Faculty Assembly includes regular professors, clinical professors, professorial lecturers, adjunct professors, and research professors; and

WHEREAS, the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in Code-specified governance matters in the SPHHS by virtue of the footnote on page 18 of the Faculty Code; and

WHEREAS, the footnote on page 18 of the Faculty Code was originally intended to allow clinical and research medical faculty to participate in Code-specified governance

matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University; and,

WHEREAS, the footnote on page 18 of the Faculty Code was added in the mid-1970's, long before the SPHHS was established in 1997 as a separate school within the Medical Center; and,

WHEREAS, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997, and since 2002 the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code; and

WHEREAS, Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because:

- (1) Article I.B.1. ensures that, in the non-excluded entities, most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and
- (2) Article I.B.1 further ensures that, in the non-excluded entities, (i) faculty members who participate in Code-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding Code-specified governance matters pursuant to Article IX of the Faculty Code and Parts A through D of the Procedures;

WHEREAS, during the Faculty Senate's efforts to encourage the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Senate has become aware of the very significant role played by research faculty in Code-specified governance matters in the SPHHS, by reason of the inclusion of research faculty in the footnote on page 18 of the Faculty Code and their resulting exclusion from the requirements of Article I.B.1.; and

WHEREAS, the Faculty Senate has determined, based on the purposes and objectives of Article I.B.1., that research faculty of the SPHHS should not be granted authority to participate in Code-specified governance matters in the SPHHS; and

WHEREAS, in all matters that are not Code-specified governance matters, this Resolution does not affect the rights of research faculty of SPHHS to participate in the governance of the SPHHS or to participate in the governance of the Medical Center pursuant to the Medical Center Organizational Plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE
OF THE GEORGE WASHINGTON UNIVERSITY**

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("SPHHS") shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

Adopted as amended March 12, 2010

APPENDIX A

COMMITTEE REPORT ON THE RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO PARTICIPATION OF RESEARCH FACULTY IN CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3)

Since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health.

Article I.B.1 of the Faculty Code requires that at least 75% of the regular, active-status faculty members in each school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions". It also requires that at least 50% of the regular, active-status faculty members in each department of a school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions".

Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because it ensures that:

- (1) Most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity;
- (2) Faculty members who participate in the areas of governance of the University and its schools and departments that are specified in the Faculty Code (as described below) will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service to the University, professional bodies and the public) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code; and
- (3) The predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty in deciding the following crucial academic matters related to departmental, school and University governance as specified in the Procedures for the Implementation of the Faculty Code ("Procedures"): (i) the adoption of written procedures for the governance of

the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures (hereinafter collectively referred to as “Code-specified governance matters”).

The SPHHS is a school that is subject, without exception, to the requirements of Article I.B.1. of the Faculty Code. As shown on Figure 1 attached to this Report, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1. since the founding of the SPHHS in 1997.

For more than seven years, the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, including:

- (1) On April 14, 2002, the Faculty Senate adopted Resolution 01/11, in which the Faculty Senate called on the Dean of the SPHHS to develop a plan to bring the SPHHS into compliance with Article I.B.1 by the Fall semester of 2007, but the SPHHS failed to develop such a plan or achieve such compliance;
- (2) In May 2008, the Executive Committee of the Faculty Senate sent a memorandum to the Dean of the SPHHS, in which the Executive Committee requested that the Dean of the SPHHS provide, not later than September 19, 2008, a detailed, comprehensive plan to bring the SPHHS into compliance with Article I.B.1. within a reasonable period not to exceed five years;
- (3) On September 24, 2008, Interim Dean Josef J. Reum of the SPHHS sent the Executive Committee a preliminary draft of a plan to bring the SPHHS into compliance with Article I.B.1 within the requested five-year period, and the Executive Committee referred Interim Dean Reum’s draft compliance plan to a Special Joint Subcommittee on Compliance by the SPHHS with the Faculty Code (“Joint Subcommittee”),
- (4) Interim Dean Reum submitted a revised compliance plan on February 2, 2009, and the Joint Subcommittee advised the Faculty Senate, at its meeting on March 13, 2009, that the revised compliance plan appeared to be feasible and appeared to provide a reasonable basis for bringing the SPHHS into compliance with Article I.B.1 by 2013.
- (5) Based on information provided by the Office of Medical Center Faculty Affairs and Program Development (“OMCFAPD”), which is reflected on Figure 1, the number of regular, active-status faculty with tenured or tenure-accruing appointments in the SPHHS increased from 17 in 2007 to 29 in 2009, while the number of regular, active-status faculty with non-tenure-accruing (“NTA”) appointments increased from 20 to 30.

- (6) The Joint Subcommittee submitted a report to the Faculty Senate Executive Committee on October 26, 2009 ("Joint Subcommittee Report"), which expressed "reservations on the validity of the [the SPHHS compliance] plan as well as the guidelines being used to implement the proposed plan," and the Report further explained that "our reservations center around the lack of specific Faculty Code compliance criteria and processes needed for legitimate search establishment and operations and [faculty appointment, promotion and tenure committee] selection and tenure issues." The Joint Subcommittee Report specifically noted a "lack of formal processes and criteria for faculty (and indeed Dean) selection, promotion and tenure" decisions at the SPHHS.
- (7) The Joint Subcommittee submitted a further report to the Faculty Senate Executive Committee on February 4, 2010, which stated that "[t]he Joint Subcommittee continues to have concerns about the lack of specific [faculty appointment, promotion and tenure] criteria and process employed by SPHHS." The report added, however, that its "overall judgment is that SPHHS continues to make good progress toward Code compliance and it is possible that in 2011 or 2012 the goal of the required number of tenured/tenure-track faculty will be met."

Since 2008, in the course of its efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Faculty Senate and its Committees have become aware of the very significant (and potentially decisive) role played by research faculty in Code-specified governance matters in the SPHHS:

- (1) In the fall semester of 2008, the Faculty Senate Executive Committee began to discuss with the University administration the launching of a search for new dean of the SPHHS that would comply with the Faculty Code.
- (2) During the course of those discussions, the Executive Committee learned that the SPHHS has a large number of research faculty who do not hold regular, active-status appointments, but who actively participate in Code-specified governance matters in the SPHHS pursuant to an asterisked footnote to Part A of the Procedures, on page 18. That footnote provides: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate wherever the term 'regular' faculty appears in this document". The faculty ranks which are eligible for membership in the Medical Center Faculty Assembly, and which are therefore designated as 'regular' faculty for purposes of the footnote on page 18 of the Procedures, are listed in Attachment 1.
- (3) The footnote on page 18 of the Procedures was added to the Faculty Code in the mid-1970s, long before the founding of the SPHHS in 1997. That footnote was intended to provide Code-specified governance rights in the University's Medical Center to clinical medical faculty and research medical faculty who worked in the four existing units of the Medical Center, all of which provided medical education

and medical care services at that time (namely, the School of Medicine and Health Sciences, the University's Hospital, the University's Health Plan, and the University's Medical Faculty Associates). The footnote on page 18 of the Procedures recognized the key roles played by clinical medical faculty and research medical faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University

- (4) Neither the Faculty Senate nor the University's Board of Trustees specifically discussed whether the footnote on page 18 of the Procedures should be interpreted as allowing research faculty to participate in Code-specified governance matters in the SPHHS when the SPHHS was established as a new school within the Medical Center in 1997.
- (5) The number of research faculty in the SPHHS has grown rapidly in recent years, during the same period of time that the Faculty Senate has repeatedly called upon the SPHHS to come into compliance with Article I.B.1 of the Faculty Code. According to information provided by OMCFAPD and shown on Figure 1 attached to this Report, the number of research faculty in the SPHHS has increased from 11 in 2002 to 26 in 2007 and 45 in 2009.
- (6) Research faculty in the SPHHS have joined with NTA faculty to exercise significant influence over Code-specified governance matters in the SPHHS since the school's founding, as indicated by (i) service by research faculty as voting members of committees that determine the appointment, promotion and tenure of regular, active-status faculty members within the SPHHS, and (ii) most recently, the refusal by research faculty and NTA faculty in the SPHHS to agree to a Dean's search process that would conform to Part C.2. of the Procedures by establishing a core search committee consisting solely of tenured faculty members. Instead, despite the intervention of the Executive Vice President for Academic Affairs, the core search committee established for the current Dean's search in the SPHHS includes five tenured faculty members, two faculty members who hold NTA appointments and two research faculty.
- (7) In combination, the NTA regular, active-status faculty and the research faculty of SPHHS, who totaled 75 in 2009, have the potential to exercise control over Code-specified governance matters in the SPHHS. In contrast, only 28% (29 of 104) of the faculty members in the SPHHS in 2009 were regular, active-status faculty members with tenured or tenure-accruing appointments (see Figure 1, attached).
- (8) A review of the Columbia University Faculty Handbook and the policies and procedures issued by the office of the dean of The Johns Hopkins University Bloomberg School of Public Health reveals no comparable provisions that grant research faculty the level of participation in governance that they have in the SPHHS. Research faculty members at these two prominent schools of public

health are recognized in various ways, but they are not given full and equal participation in governance with respect to core academic issues.

The unintended consequences of the footnote on page 18 of the Faculty Code clearly undermine Code-compliant faculty governance in the SPHHS and must be remedied if similar problems are to be avoided in the future. Members of the research and NTA faculty in the SPHHS are appointed on short-term contracts (typically for one year), and they therefore may not have the necessary security of employment to express their independent views on Code-specified governance matters in a manner comparable to the independent voice of tenured faculty.

In schools within the University outside the Medical Center, research faculty do not participate in Code-specified governance matters in schools and departments. Research faculty do not hold regular, active-status appointments under Article I.B.1 of the Faculty Code and, instead, hold research staff appointments under Article I.B.4 of the Faculty Code. Consequently, research faculty in all schools within the University are not counted for purposes of applying the 75% and 50% requirements set forth in Article I.B.1. Because research faculty in the SPHHS are not counted for purposes of applying the 75% and 50% requirements under Article I.B.1., it is contrary to the purposes and objectives of Article I.B.1. to permit research faculty to participate in Code-specified governance matters in the SPHHS pursuant to the footnote on page 18 of the Faculty Code.

The Committee on Professional Ethics and Academic Freedom has determined that the SPHHS will not achieve true compliance with Article I.B.1 of the Faculty Code and Parts A through D of the Procedures unless the asterisked footnote on page 18 is amended to remove the SPHHS from the scope of that footnote. Accordingly, the Committee recommends that the Faculty Senate adopt the following resolution. The Committee wishes to emphasize that, except for Code-specified governance matters, the resolution would not affect the rights of research faculty of the SPHHS to participate in the governance of the SPHHS or the governance of the Medical Center pursuant to the Medical Center Organization Plan.

Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows, ~~effective on June 30, 2010:~~

“In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term “regular” faculty appears in this document.”

3. That, following adoption of the foregoing amendment by the University’s Board of Trustees, the Dean of the School of Public Health and Health Services (“SPHHS”) shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

Adopted with Resolution 09/3 as amended March 12, 2010

ATTACHMENT 1
RELEVANT SECTION OF THE MEDICAL CENTER
FACULTY ORGANIZATION PLAN

The Medical Center Faculty Organization Plan states in Article II. The Medical Center Faculty Assembly, Section 1. Membership, that:

The voting membership of the Faculty Assembly shall consist of all faculty members in the following grades of academic service:

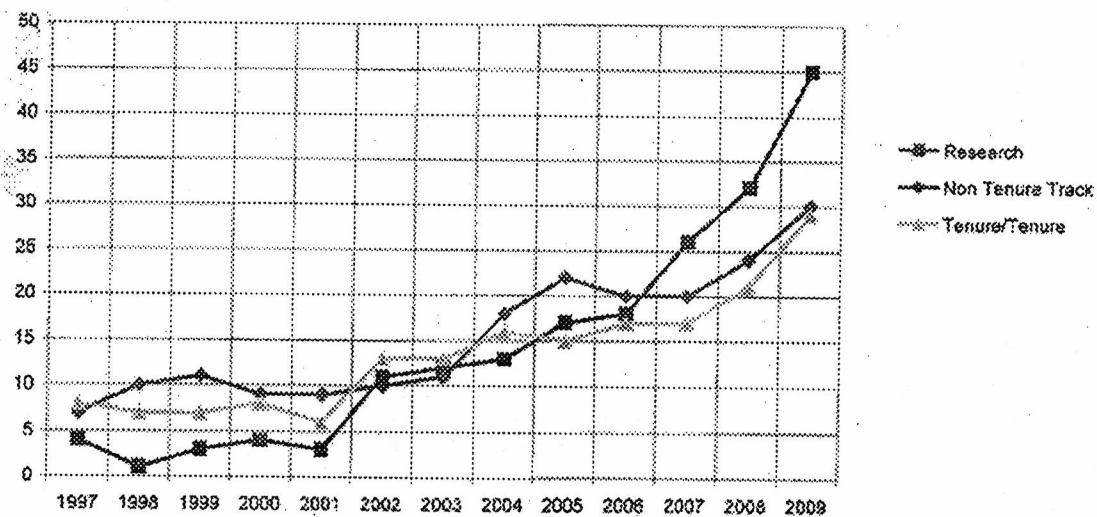
1. Professor, Associate Professor, Assistant Professor, Instructor.
2. Clinical Professor, Professorial Lecturer, Associate Clinical Professor, Associate Professorial Lecturer, Assistant Clinical Professor, Clinical Instructor, Lecturer, Special Lecturer, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor.
3. Research Professor, Associate Research Professor, Assistant Research Professor, Research Instructor

In addition, such members of the Administrative Board as might not otherwise be qualified for membership shall be members of the Faculty Assembly.

This list includes the entire range of faculty ranks. "Voting membership" makes no distinction as to tenured or nontenured faculty or if "voting members" hold regular, active-status appointments or research appointments. The footnote on page 18 of the Faculty Code has been interpreted in the Medical Center to mandate that all like-designated faculty members in the SPHHS are eligible to vote in the same manner as regular active-status faculty, regardless of tenure, on all matters pertaining to governance of the SPHHS.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Non Tenure Track	7	10	11	9	9	10	11	18	22	20	20	24	30
Research	4	1	3	4	3	11	12	13	17	18	26	32	45
Tenure/Tenure Track	5	7	7	5	6	13	13	16	15	17	17	21	29
	19	18	21	21	18	34	36	47	54	55	63	77	104

Figure 1
School of Public Health and Health Services
Non Tenure, Research and Tenure/Tenure Track Faculty 1997-2009
 Prior to 2004 - no tenure track



**Resolution to Amend the *Faculty Code*
with Respect to the Participation of
Research Faculty in Certain
Governance Matters in the
School of Public Health and Health
Services
(09/3)**

Faculty Senate, March 12, 2010

**School of Public Health and
Health Services**

SPHHS Web Site

SPHHS: Who We Are

- Established in July 1997, the School of Public Health and Health Services brought together three longstanding university programs in the schools of medicine, business, and education that we have since expanded substantially.
- Today, more than 900 students from nearly every U.S. state and more than 35 nations pursue undergraduate, graduate, and doctoral-level degrees in public health. Our student body is one of the most ethnically diverse among the nation's private schools of public health.

SPHHS Web Site

Academic Departments

1. Environmental and Occupational Health
2. Epidemiology and Biostatistics
3. Exercise Science
4. Global Health
5. Health Policy
6. Health Services Management and Leadership
7. Prevention and Community Health

SPHHS Web Site

Additional Info

- We also offer an array of joint degree programs . . .
- The public health programs of the SPHHS have full accreditation from . . .
- Within the departments, sixteen specialist centers, institutes and special programs are sites for state-of-the-art research and training . . .
- The School's current research portfolio is approximately eighteen million dollars.

SPHHS Web Site

Vision of SPHHS

The George Washington University School of Public Health and Health Services will advance the health of the populations of our local, national, and global communities by:

- Developing tomorrow's leaders in public health and health services
- Creating innovative educational opportunities
- Translating science into policies, programs, and interventions
- Enhancing multidisciplinary collaborations in research, education, and service
- Fostering an environment in which faculty, students, staff, and community partners are empowered to accomplish the School's mission.

Whereas Clauses

Academic Excellence

WHEREAS, as further explained in the Report of the Committee on Professional Ethics and Academic Freedom attached to this Resolution as Appendix A, since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") **to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health**; and

Role of Faculty Senate

- In 1996, Faculty Senate worked closely with the administration in launching SPHHS
- Since 2002, Faculty Senate has been active in trying to help SPHHS meet its mission through code compliance.
- Joint Subcommittee chaired by Ed Cherian has influenced the SPHHS to move towards Code Compliance with respect to tenured faculty.

Shared Governance

- Utilize wealth of knowledge and wisdom within the Faculty.
- Excellent Schools have Excellent knowledgeable faculty who can contribute to every aspect of academic activity in the school.
- Opinions and expertise should be utilized as much as possible to get innovative ideas.
- The Search for ideas and opinions should never be exclusive.

Why Tenure is Important

- Tenured faculty have **INDEPENDENCE** and are not subject to intimidation and coercion by supervisors or administrators.
- Tenured faculty are long-term faculty.
- Tenure faculty are subject to extensive selection and performance criteria applied over a period of many years.
- Tenured faculty must contribute to all aspects of academic life (teaching, research, service).

Code-Specified Governance Areas

WHEREAS, the Procedures for the Implementation of the Faculty Code ("Procedures") provide that the regular, active-status faculty of each school is responsible for the following governance matters within that school:

- (i) the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures,
- (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures,
- (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and
- (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures ("Code-specified governance matters"); and

Types of Faculty

- Regular Active Status: (FC.)
 - University professor, professor, associate, professor, assistant professor, and instructor Art. I.B.1.
 - Each of the regular, active-status ranks may be
 - tenure-accruing or
 - non-tenure-accruing as specified in the original letter of appointment Art. I.B.1
 - Shall have the primary responsibility of devoting their time, thought, and energy to the service of the University.
 - Subject to Criteria for Appointment and promotion Art. IV.A.5 and IV.A.6.

Types of Faculty

- Research Faculty

Research Staff: Members of the research staff may be appointed,

- upon recommendation of the appropriate faculty and officers of the administration,
- as research professor, associate research professor, assistant research professor, and research instructor.
- Such appointments do not provide tenure.

Faculty Code, Article. I.B.4.

Proportion of Tenure / Tenure Track

WHEREAS, Article I.B.1 of the *Faculty Code* specifies: "... the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing; and

The Problem

Exceptions

WHEREAS, Article I.B.1 of the *Faculty Code* applies to the faculty of all schools in the University except for the faculties of the Law School and the College of Professional Studies as well as "Medical Center faculty who are stationed at affiliated institutions"; and

Exceptions

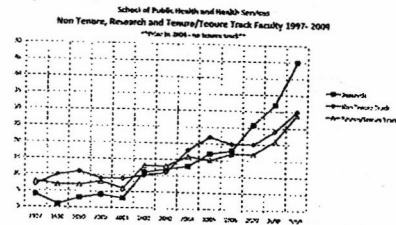
WHEREAS, a footnote on page 18 of the *Faculty Code* states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in this document;" and

Exceptions

WHEREAS, the Medical Center Faculty Organization Plan states that the voting membership of the Medical Center Faculty Assembly includes regular professors, clinical professors, professorial lecturers, adjunct professors, and research professors; and

Exceptions

WHEREAS, the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in Code-specified governance matters in the SPHHS by virtue of the footnote on page 18 of the *Faculty Code*; and



Original Intent of Footnote

WHEREAS, the footnote on page 18 of the *Faculty Code* was originally intended to allow clinical and research medical faculty to participate in Code-specified governance matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University; and,

WHEREAS, the footnote on page 18 of the *Faculty Code* was added in the mid-1970's, long before the SPHHS was established in 1997 as a separate school within the Medical Center; and,

SPHHS Faculty Code Compliance

WHEREAS, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997, and since 2002 the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the *Faculty Code*; and

Purpose of Article I.B.1

WHEREAS, Article I.B.1. of the *Faculty Code* plays a vital role in supporting the University's commitments to academic excellence and shared governance because:

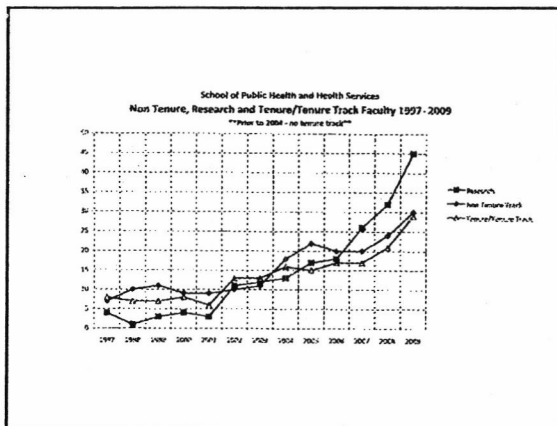
(1) Article I.B.1. ensures that, in the non-excluded entities, most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and

(2) Article I.B.1 further ensures that, in the non-excluded entities, (i) faculty members who participate in Code-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV.A.6.b) and IV.B.1 of the *Faculty Code*, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding Code-specified governance matters pursuant to

Research Faculty in SPHHS

WHEREAS, during the Faculty Senate's efforts to encourage the SPHHS to come into compliance with Article I.B.1. of the *Faculty Code*, the Senate has become aware of the very significant role played by research faculty in Code-specified governance matters in the SPHHS, by reason of the inclusion of research faculty in the footnote on page 18 of the *Faculty Code* and their resulting exclusion from the requirements of Article I.B.1.; and

WHEREAS, the Faculty Senate has determined, based on the purposes and objectives of Article I.B.1., that research faculty of the SPHHS should not be granted authority to participate in Code-specified governance matters in the SPHHS; and



Research Faculty Participate in Non-Code specified Governance Matters

WHEREAS, in all matters that are not Code-specified governance matters, this Resolution does not affect the rights of research faculty of SPHHS to participate in the governance of the SPHHS or to participate in the governance of the Medical Center pursuant to the Medical Center Organizational Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

1. That, in Article I.B.1. of the *Faculty Code*, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions"

shall be amended to read

"The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

2. That the asterisked footnote to Part A of The Procedures for the Implementation of the *Faculty Code* ("Procedures"), on page 18, be amended to read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("SPHHS") shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.

Parts A through D of Procedures of FC

- A. Governance of Departments and Schools*
- B. Faculty Participation in Action Concerning Faculty Membership
- C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers
- D. Faculty Participation in Action Concerning Curriculum

**NOW, THEREFORE, BE IT RESOLVED BY THE
FACULTY SENATE**

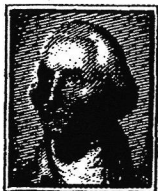
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.

**NOW, THEREFORE, BE IT RESOLVED BY THE
FACULTY SENATE**

5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the *Faculty Code* and (ii) provide an estimated date for achieving full compliance with that provision.

Conclusion

The PEAFF Committee believes that there is a strong linkage between academic excellence and a strong tenure system intertwined with shared governance. This resolution embodies this principle.



THE GEORGE
WASHINGTON
UNIVERSITY

MEDICAL CENTER

WASHINGTON DC

SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES

Lilien F. Robinson
Chair
George Washington University
Faculty Senate
Old Main, Suite 400 1922
F Street NW Washington,
DC 20052

February 19, 2010

Dear Professor Robinson, and Members of the University Faculty Senate,

Thank you for postponing Resolution 09/03 from the January agenda.

While I appreciate the efforts of the Committee on Professional Ethics and Academic Freedom, to monitor compliance with the faculty code, I believe this resolution presents an extraordinary opportunity to revisit the fundamentals of the faculty code light of the spectacular success of the 10-year experiment in the School of Public Health and Health Services.

Our research faculty, in partnership with our tenured, tenure-track, and non-tenure track faculty, have been active and important participants over the history of the school in helping to frame, and to realize, our public health mission as well as our research, service, and teaching, goals and aspirations.

SPHHS research faculty are the primary engine driving our schools extensive and exemplary sponsored project portfolio [the fastest growing in the university, and one of the fastest growing in the nation). All of our PI's bring regular faculty, and countless students, onto their grants. In so doing we have been extending and expanding the integration of research into the academic mission, a core goal identified in the University Strategic Plan for Academic Excellence.

Nearly all research faculty participate in the teaching mission of our school, at levels commensurate with their status as research faculty. While this is not the norm at GWU, it is consistent with our university's explicit aspiration to become a leading research institution. Our research faculty often come to us with fully funded national and international initiatives because of the reputation of our regular faculty, our strategic location, and our commitment to inter, intra, and trans-disciplinary work in teaching, research, service, and leadership.

As one outcome of recent efforts to come into compliance with faculty code re: representation of tenure track faculty, we agreed to Executive Vice President Lehman's request to conduct full searches for new research faculty as needed.

• The initiation of this parallel search process contributed in part to the School's Appointment, Promotion, and Tenure Committee efforts to conduct a thorough review of criteria for each faculty designation, re-examining basic assumptions about the metrics and categories we use to define career excellence and advancement in the field of public health, in teaching, research, service and practice.

We believe we are not in violation of the Faculty Code, rather, we believe we are in the vanguard of where an institution of our caliber ought to be headed in the 21st Century. Most of our senior research faculty join our ranks with years of field experience addressing the complex issues of public health at the individual, community, nation, and international levels. They provide insight based on understanding grounded in practice. This insight has helped the school set strategic priorities, identify new resources, and create opportunities for students and faculty alike to participate in the scholarship of discovery.

We are proud of our heritage of respect for every member of our faculty without regard to their code directed designation.


The very work of public health requires bringing disparate parties together to understand a problem, assign resources, apply expert knowledge, and bring the decision making process to the level of the community.

The SPHHS community of scholars includes people who have demonstrated excellence in research, in practice, and in teaching. We are very proud of all we have accomplished by not excluding community members from the shared ownership of and commitment to our future. We would be delighted to engage in a broader discussion with the Committee, and with the Faculty Senate, about how GWU might take the success of the School of Public Health and Health Services and use it as a model for true shared governance of an institution on the rise.

One of the most fundamental aspects of any change in governance practice is the potential impact of changes on models on workplace diversity. With this in mind, I ask the members of the senate to again defer any action on this proposed amendment until a thorough legal review of the potential issues related to Pub.L. 88-352, 80 Stat. 241, July 2, 1964, and Title 42-Chapter 126.

Respectfully,

Josef Reum
Interim Dean
School of Public Health and Health Services

A handwritten signature in black ink, appearing to be 'Josef Reum', written over a horizontal line.

**A RESOLUTION TO AMEND THE FACULTY CODE WITH
RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN
CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH
AND HEALTH SERVICES (09/3)**

WHEREAS, as further explained in the Report of the Committee on Professional Ethics and Academic Freedom attached to this Resolution as Appendix A, since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health; and

WHEREAS, the Procedures for the Implementation of the Faculty Code ("Procedures") provide that the regular, active-status faculty of each school is responsible for the following governance matters within that school: (i) the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures ("Code-specified governance matters"); and

WHEREAS, Article I.B.1 of the Faculty Code specifies: " . . . the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing;" and

WHEREAS, Article I.B.1 of the Faculty Code applies to the faculty of all schools in the University except for the faculties of the Law School and the College of Professional Studies as well as "Medical Center faculty who are stationed at affiliated institutions"; and

WHEREAS, a footnote on page 18 of the Faculty Code states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in this document;" and

WHEREAS, the Medical Center Faculty Organization Plan states that the voting membership of the Medical Center Faculty Assembly includes regular professors, clinical professors, professorial lecturers, adjunct professors, and research professors; and

WHEREAS, the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in Code-specified governance matters in the SPHHS by virtue of the footnote on page 18 of the Faculty Code; and

WHEREAS, the footnote on page 18 of the Faculty Code was originally intended to allow clinical and research medical faculty to participate in Code-specified governance

matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University; and,

WHEREAS, the footnote on page 18 of the Faculty Code was added in the mid-1970's, long before the SPHHS was established in 1997 as a separate school within the Medical Center; and,

WHEREAS, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997, and since 2002 the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code; and

WHEREAS, Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because:

- (1) Article I.B.1. ensures that, in the non-excluded entities, most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and
- (2) Article I.B.1 further ensures that, in the non-excluded entities, (i) faculty members who participate in Code-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding Code-specified governance matters pursuant to Article IX of the Faculty Code and Parts A through D of the Procedures;

WHEREAS, during the Faculty Senate's efforts to encourage the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Senate has become aware of the very significant role played by research faculty in Code-specified governance matters in the SPHHS, by reason of the inclusion of research faculty in the footnote on page 18 of the Faculty Code and their resulting exclusion from the requirements of Article I.B.1.; and

WHEREAS, the Faculty Senate has determined, based on the purposes and objectives of Article I.B.1., that research faculty of the SPHHS should not be granted authority to participate in Code-specified governance matters in the SPHHS; and

WHEREAS, in all matters that are not Code-specified governance matters, this Resolution does not affect the rights of research faculty of SPHHS to participate in the governance of the SPHHS or to participate in the governance of the Medical Center pursuant to the Medical Center Organizational Plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE
OF THE GEORGE WASHINGTON UNIVERSITY**

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("SPHHS") shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

APPENDIX A

COMMITTEE REPORT ON THE RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO PARTICIPATION OF RESEARCH FACULTY IN CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3)

Since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health.

Article I.B.1 of the Faculty Code requires that at least 75% of the regular, active-status faculty members in each school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions". It also requires that at least 50% of the regular, active-status faculty members in each department of a school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions".

Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because it ensures that:

- (1) Most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity;
- (2) Faculty members who participate in the areas of governance of the University and its schools and departments that are specified in the Faculty Code (as described below) will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service to the University, professional bodies and the public) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code; and
- (3) The predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty in deciding the following crucial academic matters related to departmental, school and University governance as specified in the Procedures for the Implementation of the Faculty Code ("Procedures"): (i) the adoption of written procedures for the governance of

the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures (hereinafter collectively referred to as “Code-specified governance matters”).

The SPHHS is a school that is subject, without exception, to the requirements of Article I.B.1. of the Faculty Code. As shown on Figure 1 attached to this Report, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1. since the founding of the SPHHS in 1997.

For more than seven years, the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, including:

- (1) On April 14, 2002, the Faculty Senate adopted Resolution 01/11, in which the Faculty Senate called on the Dean of the SPHHS to develop a plan to bring the SPHHS into compliance with Article I.B.1 by the Fall semester of 2007, but the SPHHS failed to develop such a plan or achieve such compliance;
- (2) In May 2008, the Executive Committee of the Faculty Senate sent a memorandum to the Dean of the SPHHS, in which the Executive Committee requested that the Dean of the SPHHS provide, not later than September 19, 2008, a detailed, comprehensive plan to bring the SPHHS into compliance with Article I.B.1. within a reasonable period not to exceed five years;
- (3) On September 24, 2008, Interim Dean Josef J. Reum of the SPHHS sent the Executive Committee a preliminary draft of a plan to bring the SPHHS into compliance with Article I.B.1 within the requested five-year period, and the Executive Committee referred Interim Dean Reum’s draft compliance plan to a Special Joint Subcommittee on Compliance by the SPHHS with the Faculty Code (“Joint Subcommittee”),
- (4) Interim Dean Reum submitted a revised compliance plan on February 2, 2009, and the Joint Subcommittee advised the Faculty Senate, at its meeting on March 13, 2009, that the revised compliance plan appeared to be feasible and appeared to provide a reasonable basis for bringing the SPHHS into compliance with Article I.B.1 by 2013.
- (5) Based on information provided by the Office of Medical Center Faculty Affairs and Program Development (“OMCFAPD”), which is reflected on Figure 1, the number of regular, active-status faculty with tenured or tenure-accruing appointments in the SPHHS increased from 17 in 2007 to 29 in 2009, while the number of regular, active-status faculty with non-tenure-accruing (“NTA”) appointments increased from 20 to 30.

- (6) The Joint Subcommittee submitted a report to the Faculty Senate Executive Committee on October 26, 2009 ("Joint Subcommittee Report"), which expressed "reservations on the validity of the [the SPHHS compliance] plan as well as the guidelines being used to implement the proposed plan," and the Report further explained that "our reservations center around the lack of specific Faculty Code compliance criteria and processes needed for legitimate search establishment and operations and [faculty appointment, promotion and tenure committee] selection and tenure issues." The Joint Subcommittee Report specifically noted a "lack of formal processes and criteria for faculty (and indeed Dean) selection, promotion and tenure" decisions at the SPHHS.
- (7) The Joint Subcommittee submitted a further report to the Faculty Senate Executive Committee on February 4, 2010, which stated that "[t]he Joint Subcommittee continues to have concerns about the lack of specific [faculty appointment, promotion and tenure] criteria and process employed by SPHHS." The report added, however, that its "overall judgment is that SPHHS continues to make good progress toward Code compliance and it is possible that in 2011 or 2012 the goal of the required number of tenured/tenure-track faculty will be met."

Since 2008, in the course of its efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Faculty Senate and its Committees have become aware of the very significant (and potentially decisive) role played by research faculty in Code-specified governance matters in the SPHHS:

- (1) In the fall semester of 2008, the Faculty Senate Executive Committee began to discuss with the University administration the launching of a search for new dean of the SPHHS that would comply with the Faculty Code.
- (2) During the course of those discussions, the Executive Committee learned that the SPHHS has a large number of research faculty who do not hold regular, active-status appointments, but who actively participate in Code-specified governance matters in the SPHHS pursuant to an asterisked footnote to Part A of the Procedures, on page 18. That footnote provides: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate wherever the term 'regular' faculty appears in this document". The faculty ranks which are eligible for membership in the Medical Center Faculty Assembly, and which are therefore designated as 'regular' faculty for purposes of the footnote on page 18 of the Procedures, are listed in Attachment 1.
- (3) The footnote on page 18 of the Procedures was added to the Faculty Code in the mid-1970s, long before the founding of the SPHHS in 1997. That footnote was intended to provide Code-specified governance rights in the University's Medical Center to clinical medical faculty and research medical faculty who worked in the four existing units of the Medical Center, all of which provided medical education

and medical care services at that time (namely, the School of Medicine and Health Sciences, the University's Hospital, the University's Health Plan, and the University's Medical Faculty Associates). The footnote on page 18 of the Procedures recognized the key roles played by clinical medical faculty and research medical faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University

- (4) Neither the Faculty Senate nor the University's Board of Trustees specifically discussed whether the footnote on page 18 of the Procedures should be interpreted as allowing research faculty to participate in Code-specified governance matters in the SPHHS when the SPHHS was established as a new school within the Medical Center in 1997.
- (5) The number of research faculty in the SPHHS has grown rapidly in recent years, during the same period of time that the Faculty Senate has repeatedly called upon the SPHHS to come into compliance with Article I.B.1 of the Faculty Code. According to information provided by OMCAPD and shown on Figure 1 attached to this Report, the number of research faculty in the SPHHS has increased from 11 in 2002 to 26 in 2007 and 45 in 2009.
- (6) Research faculty in the SPHHS have joined with NTA faculty to exercise significant influence over Code-specified governance matters in the SPHHS since the school's founding, as indicated by (i) service by research faculty as voting members of committees that determine the appointment, promotion and tenure of regular, active-status faculty members within the SPHHS, and (ii) most recently, the refusal by research faculty and NTA faculty in the SPHHS to agree to a Dean's search process that would conform to Part C.2. of the Procedures by establishing a core search committee consisting solely of tenured faculty members. Instead, despite the intervention of the Executive Vice President for Academic Affairs, the core search committee established for the current Dean's search in the SPHHS includes five tenured faculty members, two faculty members who hold NTA appointments and two research faculty.
- (7) In combination, the NTA regular, active-status faculty and the research faculty of SPHHS, who totaled 75 in 2009, have the potential to exercise control over Code-specified governance matters in the SPHHS. In contrast, only 28% (29 of 104) of the faculty members in the SPHHS in 2009 were regular, active-status faculty members with tenured or tenure-accruing appointments (see Figure 1, attached).
- (8) A review of the Columbia University Faculty Handbook and the policies and procedures issued by the office of the dean of The Johns Hopkins University Bloomberg School of Public Health reveals no comparable provisions that grant research faculty the level of participation in governance that they have in the SPHHS. Research faculty members at these two prominent schools of public

health are recognized in various ways, but they are not given full and equal participation in governance with respect to core academic issues.

The unintended consequences of the footnote on page 18 of the Faculty Code clearly undermine Code-compliant faculty governance in the SPHHS and must be remedied if similar problems are to be avoided in the future. Members of the research and NTA faculty in the SPHHS are appointed on short-term contracts (typically for one year), and they therefore may not have the necessary security of employment to express their independent views on Code-specified governance matters in a manner comparable to the independent voice of tenured faculty.

In schools within the University outside the Medical Center, research faculty do not participate in Code-specified governance matters in schools and departments. Research faculty do not hold regular, active-status appointments under Article I.B.1 of the Faculty Code and, instead, hold research staff appointments under Article I.B.4 of the Faculty Code. Consequently, research faculty in all schools within the University are not counted for purposes of applying the 75% and 50% requirements set forth in Article I.B.1. Because research faculty in the SPHHS are not counted for purposes of applying the 75% and 50% requirements under Article I.B.1., it is contrary to the purposes and objectives of Article I.B.1. to permit research faculty to participate in Code-specified governance matters in the SPHHS pursuant to the footnote on page 18 of the Faculty Code.

The Committee on Professional Ethics and Academic Freedom has determined that the SPHHS will not achieve true compliance with Article I.B.1 of the Faculty Code and Parts A through D of the Procedures unless the asterisked footnote on page 18 is amended to remove the SPHHS from the scope of that footnote. Accordingly, the Committee recommends that the Faculty Senate adopt the following resolution. The Committee wishes to emphasize that, except for Code-specified governance matters, the resolution would not affect the rights of research faculty of the SPHHS to participate in the governance of the SPHHS or the governance of the Medical Center pursuant to the Medical Center Organization Plan.

Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows, effective on June 30, 2010:

“In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term “regular” faculty appears in this document.”

3. That, following adoption of the foregoing amendment by the University’s Board of Trustees, the Dean of the School of Public Health and Health Services (“SPHHS”) shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

Adopted with Resolution 09/3 as amended March 12, 2010

ATTACHMENT 1
RELEVANT SECTION OF THE MEDICAL CENTER
FACULTY ORGANIZATION PLAN

The Medical Center Faculty Organization Plan states in Article II. The Medical Center Faculty Assembly, Section 1. Membership, that:

The voting membership of the Faculty Assembly shall consist of all faculty members in the following grades of academic service:

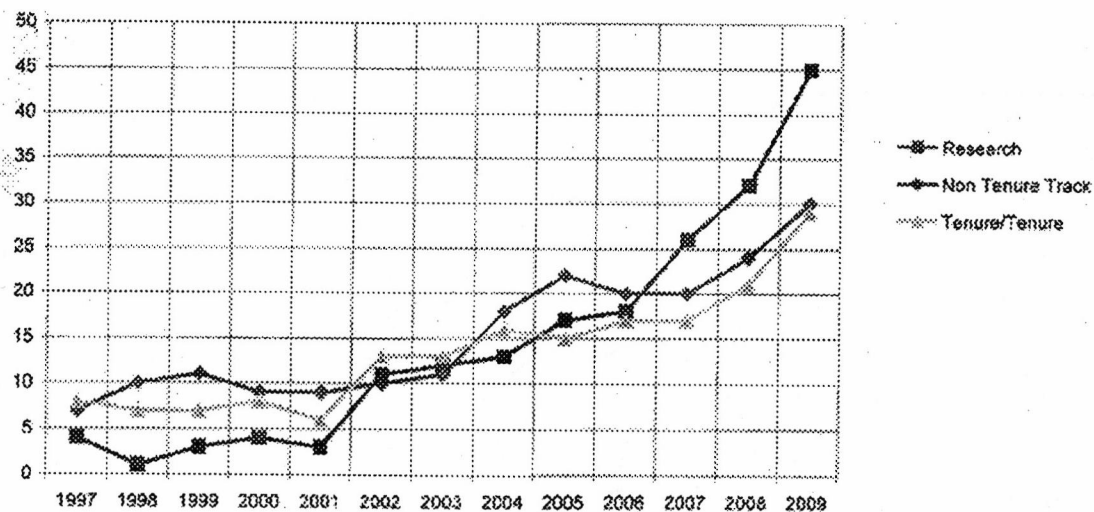
1. Professor, Associate Professor, Assistant Professor, Instructor.
2. Clinical Professor, Professorial Lecturer, Associate Clinical Professor, Associate Professorial Lecturer, Assistant Clinical Professor, Clinical Instructor, Lecturer, Special Lecturer, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor.
3. Research Professor, Associate Research Professor, Assistant Research Professor, Research Instructor

In addition, such members of the Administrative Board as might not otherwise be qualified for membership shall be members of the Faculty Assembly.

This list includes the entire range of faculty ranks. "Voting membership" makes no distinction as to tenured or nontenured faculty or if "voting members" hold regular, active-status appointments or research appointments. The footnote on page 18 of the Faculty Code has been interpreted in the Medical Center to mandate that all like-designated faculty members in the SPHHS are eligible to vote in the same manner as regular active-status faculty, regardless of tenure, on all matters pertaining to governance of the SPHHS.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Non Tenure Track	7	10	11	9	9	10	11	18	22	20	20	24	30
Research	4	1	3	4	3	11	12	13	17	18	26	32	45
Tenure/Tenure Track	6	7	7	8	6	13	13	16	16	17	17	21	29
	19	18	21	21	18	34	36	47	54	55	63	77	104

Figure 1
School of Public Health and Health Services
Non Tenure, Research and Tenure/Tenure Track Faculty 1997- 2009
****Prior to 2004 - no tenure track****



**Resolution to Amend the *Faculty Code*
with Respect to the Participation of
Research Faculty in Certain
Governance Matters in the
School of Public Health and Health
Services
(09/3)**

Faculty Senate, March 12, 2010

**School of Public Health and
Health Services**

SPHHS Web Site

SPHHS: Who We Are

- Established in July 1997, the School of Public Health and Health Services brought together three longstanding university programs in the schools of medicine, business, and education that we have since expanded substantially.
- Today, more than 900 students from nearly every U.S. state and more than 35 nations pursue undergraduate, graduate, and doctoral-level degrees in public health. Our student body is one of the most ethnically diverse among the nation's private schools of public health.

SPHHS Web Site

Academic Departments

1. Environmental and Occupational Health
2. Epidemiology and Biostatistics
3. Exercise Science
4. Global Health
5. Health Policy
6. Health Services Management and Leadership
7. Prevention and Community Health

SPHHS Web Site

Additional Info

- We also offer an array of joint degree programs . . .
- The public health programs of the SPHHS have full accreditation from . . .
- Within the departments, sixteen specialist centers, institutes and special programs are sites for state-of-the-art research and training . . .
- The School's current research portfolio is approximately eighteen million dollars.

SPHHS Web Site

Vision of SPHHS

The George Washington University School of Public Health and Health Services will advance the health of the populations of our local, national, and global communities by:

- Developing tomorrow's leaders in public health and health services
- Creating innovative educational opportunities
- Translating science into policies, programs, and interventions
- Enhancing multidisciplinary collaborations in research, education, and service
- Fostering an environment in which faculty, students, staff, and community partners are empowered to accomplish the School's mission.

Whereas Clauses

Academic Excellence

WHEREAS, as further explained in the Report of the Committee on Professional Ethics and Academic Freedom attached to this Resolution as Appendix A, since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") **to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health**; and

Role of Faculty Senate

- In 1996, Faculty Senate worked closely with the administration in launching SPHHS
- Since 2002, Faculty Senate has been active in trying to help SPHHS meet its mission through code compliance.
- Joint Subcommittee chaired by Ed Cherian has influenced the SPHHS to move towards Code Compliance with respect to tenured faculty.

Shared Governance

- Utilize wealth of knowledge and wisdom within the Faculty.
- Excellent Schools have Excellent knowledgeable faculty who can contribute to every aspect of academic activity in the school.
- Opinions and expertise should be utilized as much as possible to get innovative ideas.
- The Search for ideas and opinions should never be exclusive.

Why Tenure is Important

- Tenured faculty have **INDEPENDENCE** and are not subject to intimidation and coercion by supervisors or administrators.
- Tenured faculty are long-term faculty.
- Tenured faculty are subject to extensive selection and performance criteria applied over a period of many years.
- Tenured faculty must contribute to all aspects of academic life (teaching, research, service).

Code-Specified Governance Areas

WHEREAS, the Procedures for the Implementation of the Faculty Code ("Procedures") provide that the regular, active-status faculty of each school is responsible for the following governance matters within that school:

- (i) the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures,
- (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures,
- (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and
- (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures ("Code-specified governance matters"); and

Types of Faculty

- Regular Active Status: (FC.)
 - University professor, professor, associate, professor, assistant professor, and instructor Art. I.B.1.
 - Each of the regular, active-status ranks may be
 - tenure-accruing or
 - non-tenure-accruing as specified in the original letter of appointment Art. I.B.1
 - Shall have the primary responsibility of devoting their time, thought, and energy to the service of the University.
 - Subject to Criteria for Appointment and promotion Art. IV.A.5 and IV.A.6.

Types of Faculty

- Research Faculty

Research Staff: Members of the research staff may be appointed,

- upon recommendation of the appropriate faculty and officers of the administration,
- as research professor, associate research professor, assistant research professor, and research instructor.
- Such appointments do not provide tenure.

Faculty Code, Article. I.B.4.

Proportion of Tenure / Tenure Track

WHEREAS, Article I.B.1 of the *Faculty Code* specifies: "... the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing; and

The Problem

Exceptions

WHEREAS, Article I.B.1 of the *Faculty Code* applies to the faculty of all schools in the University except for the faculties of the Law School and the College of Professional Studies as well as "Medical Center faculty who are stationed at affiliated institutions"; and

Exceptions

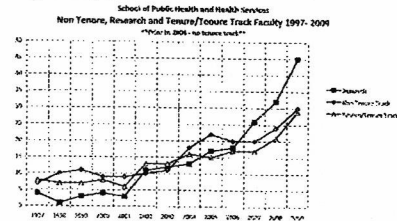
WHEREAS, a footnote on page 18 of the *Faculty Code* states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in this document;" and

Exceptions

WHEREAS, the Medical Center Faculty Organization Plan states that the voting membership of the Medical Center Faculty Assembly includes regular professors, clinical professors, professorial lecturers, adjunct professors, and research professors; and

Exceptions

WHEREAS, the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in Code-specified governance matters in the SPHHS by virtue of the footnote on page 18 of the *Faculty Code*; and



Original Intent of Footnote

WHEREAS, the footnote on page 18 of the *Faculty Code* was originally intended to allow clinical and research medical faculty to participate in Code-specified governance matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University; and,

WHEREAS, the footnote on page 18 of the *Faculty Code* was added in the mid-1970's, long before the SPHHS was established in 1997 as a separate school within the Medical Center; and,

SPHHS Faculty Code Compliance

WHEREAS, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997, and since 2002 the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the *Faculty Code*; and

Purpose of Article I.B.1

WHEREAS, Article I.B.1. of the *Faculty Code* plays a vital role in supporting the University's commitments to academic excellence and shared governance because:

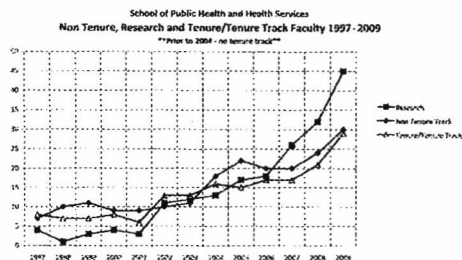
(1) Article I.B.1. ensures that, in the non-excluded entities, most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and

(2) Article I.B.1 further ensures that, in the non-excluded entities, (i) faculty members who participate in Code-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV.A.6.b) and IV.B.1 of the *Faculty Code*, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding Code-specified governance matters pursuant to

Research Faculty in SPHHS

WHEREAS, during the Faculty Senate's efforts to encourage the SPHHS to come into compliance with Article I.B.1. of the *Faculty Code*, the Senate has become aware of the very significant role played by research faculty in Code-specified governance matters in the SPHHS, by reason of the inclusion of research faculty in the footnote on page 18 of the *Faculty Code* and their resulting exclusion from the requirements of Article I.B.1.; and

WHEREAS, the Faculty Senate has determined, based on the purposes and objectives of Article I.B.1., that research faculty of the SPHHS should not be granted authority to participate in Code-specified governance matters in the SPHHS; and



Research Faculty Participate in Non-Code specified Governance Matters

WHEREAS, in all matters that are not Code-specified governance matters, this Resolution does not affect the rights of research faculty of SPHHS to participate in the governance of the SPHHS or to participate in the governance of the Medical Center pursuant to the Medical Center Organizational Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

1. That, in Article I.B.1. of the *Faculty Code*, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions"

shall be amended to read

"The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

2. That the asterisked footnote to Part A of The Procedures for the Implementation of the *Faculty Code* ("Procedures"), on page 18, be amended to read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("SPHHS") shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.

Parts A through D of Procedures of FC

- A. Governance of Departments and Schools*
- B. Faculty Participation in Action Concerning Faculty Membership
- C. Faculty Consultation and Recommendation in the Selection and Continuance of Academic Administrative Officers
- D. Faculty Participation in Action Concerning Curriculum

**NOW, THEREFORE, BE IT RESOLVED BY THE
FACULTY SENATE**

4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.

**NOW, THEREFORE, BE IT RESOLVED BY THE
FACULTY SENATE**

5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the *Faculty Code* and (ii) provide an estimated date for achieving full compliance with that provision.

Conclusion

The PEAFF Committee believes that there is a strong linkage between academic excellence and a strong tenure system intertwined with shared governance. This resolution embodies this principle.



THE GEORGE
WASHINGTON
UNIVERSITY

MEDICAL CENTER

WASHINGTON DC

SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES

Lilien F. Robinson
Chair
George Washington University
Faculty Senate
Old Main, Suite 400 1922
F Street NW Washington,
DC 20052

February 19, 2010

Dear Professor Robinson, and Members of the University Faculty Senate,

Thank you for postponing Resolution 09/03 from the January agenda.

While I appreciate the efforts of the Committee on Professional Ethics and Academic Freedom, to monitor compliance with the faculty code, I believe this resolution presents an extraordinary opportunity to revisit the fundamentals of the faculty code light of the spectacular success of the 10-year experiment in the School of Public Health and Health Services.

Our research faculty, in partnership with our tenured, tenure-track, and non-tenure track faculty, have been active and important participants over the history of the school in helping to frame, and to realize, our public health mission as well as our research, service, and teaching, goals and aspirations.

SPHHS research faculty are the primary engine driving our schools extensive and exemplary sponsored project portfolio [the fastest growing in the university, and one of the fastest growing in the nation). All of our PI's bring regular faculty, and countless students, onto their grants. In so doing we have been extending and expanding the integration of research into the academic mission, a core goal identified in the University Strategic Plan for Academic Excellence.

Nearly all research faculty participate in the teaching mission of our school, at levels commensurate with their status as research faculty. While this is not the norm at GWU, it is consistent with our university's explicit aspiration to become a leading research institution. Our research faculty often come to us with fully funded national and international initiatives because of the reputation of our regular faculty, our strategic location, and our commitment to inter, intra, and trans-disciplinary work in teaching, research, service, and leadership.

As one outcome of recent efforts to come into compliance with faculty code re: representation of tenure track faculty, we agreed to Executive Vice President Lehman's request to conduct full searches for new research faculty as needed.

• The initiation of this parallel search process contributed in part to the School's Appointment, Promotion, and Tenure Committee efforts to conduct a thorough review of criteria for each faculty designation, re-examining basic assumptions about the metrics and categories we use to define career excellence and advancement in the field of public health, in teaching, research, service and practice.

We believe we are not in violation of the Faculty Code, rather, we believe we are in the vanguard of where an institution of our caliber ought to be headed in the 21 st Century. Most of our senior research faculty join our ranks with years of field experience addressing the complex issues of public health at the individual, community, nation, and international levels. They provide insight based on understanding grounded in practice. This insight has helped the school set strategic priorities, identify new resources, and create opportunities for students and faculty alike to participate in the scholarship of discovery.

We are proud of our heritage of respect for every member of our faculty without regard to their code directed designation.

The very work of public health requires bringing disparate parties together to understand a problem, assign resources, apply expert knowledge, and bring the decision making process to the level of the community.

The SPHHS community of scholars includes people who have demonstrated excellence in research, in practice, and in teaching. We are very proud of all we have accomplished by not excluding community members from the shared ownership of and commitment to our future. We would be delighted to engage in a broader discussion with the Committee, and with the Faculty Senate, about how GWU might take the success of the School of Public Health and Health Services and use it as a model for true shared governance of an institution on the rise.

One of the most fundamental aspects of any change in governance practice is the potential impact of changes on models on workplace diversity. With this in mind, I ask the members of the senate to again defer any action on this proposed amendment until a thorough legal review of the potential issues related to Pub.L. 88-352, 80 Stat. 241, July 2, 1964, and Title 42-Chapter 126.

Respectfully,

Josef Reum
Interim Dean
School of Public Health and Health Services

A handwritten signature in black ink, appearing to be "Josef Reum", with a stylized flourish at the end.

School of Public Health and Health Services

Table 1. Projections for Growth in Tenure (T) and Tenure-Track (TT) Positions as a Proportion of All SPHHS Regular Faculty, by Fiscal Year as of October 13th, 2009 (corrected)

		HISTORICAL DATA						7/1 to 10/13 2009	REMAINDER FY 2010	PROJECTIONS (STEADY STATE)	
		FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2010	FY 2011	FY 2012
REGULAR FACULTY (INCLUDING TENURED TENURE-TRACK)	# in place June 30 of previous FY	48	46	48	46	40	46		58	59	59
	# Join during FY	2	5	4	3	9	16 ⁽⁴⁾		12 ⁽⁴⁾	5	5
	# Leave during FY	4	3	6	9	3	4		1	5	5
	# in place on June 30 (end) of current FY	48	48	46	40	46	53 ^{**}		69	69	69
T / TT											
TENURED / TENURE-TRACK FACULTY ONLY	# in place June 30 of previous FY	15 / 5	15 / 3	14 / 5	15 / 4	14 / 5	16 / 10		34	50	51
	# Join during Year	0 / 0	1 / 2	1 / 0	0 / 2	3 / 5	1* / 9		17	4	4
	# Leave during Year	0 / 2	2 / 0	0 / 1	1 / 1	1 / 0	1 / 1*		1	3	3
	# in place on June 30 (end) of current FY	15 / 3	14 / 5	15 / 4	14 / 5	16 / 10	17 / 19		50	51	52
T + TT											
PERCENTAGE OF TENURED / TENURE TRACK FACULTY	# as percent of all Regular Faculty on June 30 (end) of current FY	39%	40%	41%	48%	57%	62%		72%	74%	75%
EOY	Tenure/Tenure-Accruing	20	18	19	19	26	36				
EOY	Non Tenure-Accruing	28	28	29	27	20	22				

* One tenure-track faculty member was awarded tenure.

** This report includes one faculty member (non-tenure accruing) who was on leave as of 10/13/09.

REPORT OF THE EXECUTIVE COMMITTEE

March 12, 2010

Lilien F. Robinson, Chair

ACTIONS OF THE EXECUTIVE COMMITTEE

Proposal for the establishment of a School of Nursing

At its February meeting the Executive Committee met with Senior Associate Dean for Health Sciences Jean Johnson, who presented an overview of the proposal to establish a School of Nursing. The proposal has been endorsed by an appointed faculty committee of the Medical Center, the Executive Committee of the Medical Center Faculty Senate, and the Medical Center faculty.

Also participating in the Executive Committee meeting and the extensive discussion that followed were the members of the Special Faculty Senate Committee on the Proposed School of Nursing. The members are Professors Biles, Cherian, Simon, and Wilmarth. The Committee, chaired by Professor Cherian, will be meeting with Dean Johnson and her colleagues and providing reports and recommendations to the Faculty Senate.

Meeting with Dr. Steven Lerman

The Executive Committee has arranged for a meeting in April with Dr. Lerman. The meeting is in the context of a broad set of meetings he will be holding with members of the University community.

Nominating Committee

The Executive Committee established the proposed slate for membership on the Nominating Committee for the members of the Executive Committee during the 2010-2011 session for presentation at today's meeting.

PERSONNEL MATTERS

Grievances

At present the only grievance that remains is in the Elliott School. That case continues in mediation.

OTHER MATTERS

Proposed Patent Policy

The Joint Subcommittee of the Professional Ethics and Academic Freedom Committee and the Research Committee issued an interim report on February 22 on its review of the new patent policy, as proposed by the Administration. That review had been requested by the Executive Committee upon its receipt of the proposed policy.

The Joint Subcommittee reviewed the proposed Patent Policy, compared it with the existing Policy on Patents and Scholarly Works and the existing Copyright Policy as well as patent policies adopted by several leading research universities. It should be noted that the two existing policies cited above were produced by the Faculty Senate in close collaboration with the Administration. The conclusion of the Joint Subcommittee was that the proposed Patent Policy should not be adopted or implemented in its current form and that the University should prepare a new Patent Policy which is consistent with the policies adopted by Carnegie-Mellon, MIT, Stanford, and Wisconsin. Their further recommendation was that the new Patent Policy be drafted in consultation with the Faculty Senate.

Faculty Handbook

The periodic revision of the *Faculty Handbook*, under the direction of the Office of Academic Affairs, is now in process. At the request of Executive Vice President for Academic Affairs, the Executive Committee will be recommending appointment of a faculty colleague to represent the faculty.

Gender Neutral Housing Review Committee

Pursuant to the Student Association's approval of a resolution on gender neutral student housing, a committee was established to review the matter. At the request of the Associate Vice President and Chief Administrative Officer of Student and Academic Support Services, Peter Konwerski, the Executive Committee will be appointing a faculty member to serve on the Review Committee.

ADDITIONAL MATTERS

Future Agenda Items

The Executive Committee has invited Professor Joseph Cordes to provide a budget update at the April Senate meeting.

The Executive Committee will be arranging for an update to the Faculty Senate on the work of the Innovation Task Force.

Faculty Senate Committee Service Forms

Because of the disruption to schedules by the snowstorms, the Executive Committee has extended the deadline for submission of Senate Committee Service Forms. A reminder regarding the forms is being sent by the Faculty Senate Office.

Next Meeting of the Executive Committee

The next meeting of the Executive Committee is scheduled for March 26. Please submit resolutions, reports and any other matters for consideration prior to that meeting.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

March 4, 2010

The Faculty Senate will meet on Friday, March 12, 2010, at 2:10 p.m. in Room 403 of the Marvin Center. (Please note change of location for this meeting.)

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of February 19, 2010
(minutes to be distributed)
3. A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3)

(Resolution 09/3 and the accompanying report are attached.)
Committee on Professional Ethics and Academic Freedom
4. Introduction of Resolutions
5. Annual Report on the Composition of the Faculty
Executive Vice President for Academic Affairs Donald R. Lehman
6. General Business:
 - (a) Nominees for election to the Nominating Committee for the Executive Committee for the 2010-11 Session (nominees to be announced)
 - (b) Report of the Executive Committee: Lilien F. Robinson, Chair
 - (c) Chair's Remarks
7. Brief Statements (and Questions)
8. Adjournment

Elizabeth A. Amundson
Elizabeth A. Amundson
Secretary

Attachments

**A RESOLUTION TO AMEND THE FACULTY CODE WITH
RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN
CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH
AND HEALTH SERVICES (09/3)**

WHEREAS, as further explained in the Report of the Committee on Professional Ethics and Academic Freedom attached to this Resolution as Appendix A, since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health; and

WHEREAS, the Procedures for the Implementation of the Faculty Code ("Procedures") provide that the regular, active-status faculty of each school is responsible for the following governance matters within that school: (i) the adoption of written procedures for the governance of the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures ("Code-specified governance matters"); and

WHEREAS, Article I.B.1 of the Faculty Code specifies: " . . . the proportion of regular, active-status faculty serving in non-tenure accruing appointments shall not exceed 25 percent in any school, nor shall any department have fewer than 50 percent of its regular, active-status faculty appointments either tenured or tenure-accruing; and

WHEREAS, Article I.B.1 of the Faculty Code applies to the faculty of all schools in the University except for the faculties of the Law School and the College of Professional Studies as well as "Medical Center faculty who are stationed at affiliated institutions"; and

WHEREAS, a footnote on page 18 of the Faculty Code states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in this document;" and

WHEREAS, the Medical Center Faculty Organization Plan states that the voting membership of the Medical Center Faculty Assembly includes regular professors, clinical professors, professorial lecturers, adjunct professors, and research professors; and

WHEREAS, the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in Code-specified governance matters in the SPHHS by virtue of the footnote on page 18 of the Faculty Code; and

WHEREAS, the footnote on page 18 of the Faculty Code was originally intended to allow clinical and research medical faculty to participate in Code-specified governance

matters in the Medical Center because of the key roles played by those faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University; and,

WHEREAS, the footnote on page 18 of the Faculty Code was added in the mid-1970's, long before the SPHHS was established in 1997 as a separate school within the Medical Center; and,

WHEREAS, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997, and since 2002 the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code; and

WHEREAS, Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because:

- (1) Article I.B.1. ensures that, in the non-excluded entities, most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and
- (2) Article I.B.1 further ensures that, in the non-excluded entities, (i) faculty members who participate in Code-specified governance matters in the University and its schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty for deciding Code-specified governance matters pursuant to Article IX of the Faculty Code and Parts A through D of the Procedures;

WHEREAS, during the Faculty Senate's efforts to encourage the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Senate has become aware of the very significant role played by research faculty in Code-specified governance matters in the SPHHS, by reason of the inclusion of research faculty in the footnote on page 18 of the Faculty Code and their resulting exclusion from the requirements of Article I.B.1.; and

WHEREAS, the Faculty Senate has determined, based on the purposes and objectives of Article I.B.1., that research faculty of the SPHHS should not be granted authority to participate in Code-specified governance matters in the SPHHS; and

WHEREAS, in all matters that are not Code-specified governance matters, this Resolution does not affect the rights of research faculty of SPHHS to participate in the governance of the SPHHS or to participate in the governance of the Medical Center pursuant to the Medical Center Organizational Plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE
OF THE GEORGE WASHINGTON UNIVERSITY**

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows:

In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term "regular" faculty appears in this document.

3. That, following adoption of the foregoing amendments by the University's Board of Trustees, the Dean of the School of Public Health and Health Services ("SPHHS") shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

APPENDIX A

COMMITTEE REPORT ON THE RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO PARTICIPATION OF RESEARCH FACULTY IN CERTAIN GOVERNANCE MATTERS IN THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3)

Since 2002 the Faculty Senate has actively encouraged and supported efforts by the School of Public Health and Health Services ("SPHHS") to achieve its aspirations for academic excellence and to build a national and international reputation as a preeminent school of public health.

Article I.B.1 of the Faculty Code requires that at least 75% of the regular, active-status faculty members in each school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions". It also requires that at least 50% of the regular, active-status faculty members in each department of a school must hold either tenured or tenure-accruing appointments, except for (i) the faculties of the Law School and the College of Professional Studies, and (ii) faculty in the Medical Center who are "stationed at affiliated institutions".

Article I.B.1. of the Faculty Code plays a vital role in supporting the University's commitments to academic excellence and shared governance because it ensures that:

- (1) Most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity;
- (2) Faculty members who participate in the areas of governance of the University and its schools and departments that are specified in the Faculty Code (as described below) will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service to the University, professional bodies and the public) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code; and
- (3) The predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty in deciding the following crucial academic matters related to departmental, school and University governance as specified in the Procedures for the Implementation of the Faculty Code ("Procedures"): (i) the adoption of written procedures for the governance of

the school pursuant to Part A of the Procedures, (ii) the appointment, promotion and tenuring of faculty pursuant to Part B of the Procedures, (iii) the appointment of academic administrative officers pursuant to Part C of the Procedures, and (iv) the development of curriculum and academic programs pursuant to Part D of the Procedures (hereinafter collectively referred to as “Code-specified governance matters”).

The SPHHS is a school that is subject, without exception, to the requirements of Article I.B.1. of the Faculty Code. As shown on Figure 1 attached to this Report, the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1. since the founding of the SPHHS in 1997.

For more than seven years, the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, including:

- (1) On April 14, 2002, the Faculty Senate adopted Resolution 01/11, in which the Faculty Senate called on the Dean of the SPHHS to develop a plan to bring the SPHHS into compliance with Article I.B.1 by the Fall semester of 2007, but the SPHHS failed to develop such a plan or achieve such compliance;
- (2) In May 2008, the Executive Committee of the Faculty Senate sent a memorandum to the Dean of the SPHHS, in which the Executive Committee requested that the Dean of the SPHHS provide, not later than September 19, 2008, a detailed, comprehensive plan to bring the SPHHS into compliance with Article I.B.1. within a reasonable period not to exceed five years;
- (3) On September 24, 2008, Interim Dean Josef J. Reum of the SPHHS sent the Executive Committee a preliminary draft of a plan to bring the SPHHS into compliance with Article I.B.1 within the requested five-year period, and the Executive Committee referred Interim Dean Reum’s draft compliance plan to a Special Joint Subcommittee on Compliance by the SPHHS with the Faculty Code (“Joint Subcommittee”),
- (4) Interim Dean Reum submitted a revised compliance plan on February 2, 2009, and the Joint Subcommittee advised the Faculty Senate, at its meeting on March 13, 2009, that the revised compliance plan appeared to be feasible and appeared to provide a reasonable basis for bringing the SPHHS into compliance with Article I.B.1 by 2013.
- (5) Based on information provided by the Office of Medical Center Faculty Affairs and Program Development (“OMCFAPD”), which is reflected on Figure 1, the number of regular, active-status faculty with tenured or tenure-accruing appointments in the SPHHS increased from 17 in 2007 to 29 in 2009, while the number of regular, active-status faculty with non-tenure-accruing (“NTA”) appointments increased from 20 to 30.

- (6) The Joint Subcommittee submitted a report to the Faculty Senate Executive Committee on October 26, 2009 ("Joint Subcommittee Report"), which expressed "reservations on the validity of the [the SPHHS compliance] plan as well as the guidelines being used to implement the proposed plan," and the Report further explained that "our reservations center around the lack of specific Faculty Code compliance criteria and processes needed for legitimate search establishment and operations and [faculty appointment, promotion and tenure committee] selection and tenure issues." The Joint Subcommittee Report specifically noted a "lack of formal processes and criteria for faculty (and indeed Dean) selection, promotion and tenure" decisions at the SPHHS.
- (7) The Joint Subcommittee submitted a further report to the Faculty Senate Executive Committee on February 4, 2010, which stated that "[t]he Joint Subcommittee continues to have concerns about the lack of specific [faculty appointment, promotion and tenure] criteria and process employed by SPHHS." The report added, however, that its "overall judgment is that SPHHS continues to make good progress toward Code compliance and it is possible that in 2011 or 2012 the goal of the required number of tenured/tenure-track faculty will be met."

Since 2008, in the course of its efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Faculty Senate and its Committees have become aware of the very significant (and potentially decisive) role played by research faculty in Code-specified governance matters in the SPHHS:

- (1) In the fall semester of 2008, the Faculty Senate Executive Committee began to discuss with the University administration the launching of a search for new dean of the SPHHS that would comply with the Faculty Code.
- (2) During the course of those discussions, the Executive Committee learned that the SPHHS has a large number of research faculty who do not hold regular, active-status appointments, but who actively participate in Code-specified governance matters in the SPHHS pursuant to an asterisked footnote to Part A of the Procedures, on page 18. That footnote provides: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate wherever the term 'regular' faculty appears in this document". The faculty ranks which are eligible for membership in the Medical Center Faculty Assembly, and which are therefore designated as 'regular' faculty for purposes of the footnote on page 18 of the Procedures, are listed in Attachment 1.
- (3) The footnote on page 18 of the Procedures was added to the Faculty Code in the mid-1970s, long before the founding of the SPHHS in 1997. That footnote was intended to provide Code-specified governance rights in the University's Medical Center to clinical medical faculty and research medical faculty who worked in the four existing units of the Medical Center, all of which provided medical education

and medical care services at that time (namely, the School of Medicine and Health Sciences, the University's Hospital, the University's Health Plan, and the University's Medical Faculty Associates). The footnote on page 18 of the Procedures recognized the key roles played by clinical medical faculty and research medical faculty in medical education with its strong emphasis on practice-based instruction, as contrasted with the primarily academic and scholarly roles that regular, active-status faculty are required to fulfill in other schools in the University

- (4) Neither the Faculty Senate nor the University's Board of Trustees specifically discussed whether the footnote on page 18 of the Procedures should be interpreted as allowing research faculty to participate in Code-specified governance matters in the SPHHS when the SPHHS was established as a new school within the Medical Center in 1997.
- (5) The number of research faculty in the SPHHS has grown rapidly in recent years, during the same period of time that the Faculty Senate has repeatedly called upon the SPHHS to come into compliance with Article I.B.1 of the Faculty Code. According to information provided by OMCFAPD and shown on Figure 1 attached to this Report, the number of research faculty in the SPHHS has increased from 11 in 2002 to 26 in 2007 and 45 in 2009.
- (6) Research faculty in the SPHHS have joined with NTA faculty to exercise significant influence over Code-specified governance matters in the SPHHS since the school's founding, as indicated by (i) service by research faculty as voting members of committees that determine the appointment, promotion and tenure of regular, active-status faculty members within the SPHHS, and (ii) most recently, the refusal by research faculty and NTA faculty in the SPHHS to agree to a Dean's search process that would conform to Part C.2. of the Procedures by establishing a core search committee consisting solely of tenured faculty members. Instead, despite the intervention of the Executive Vice President for Academic Affairs, the core search committee established for the current Dean's search in the SPHHS includes five tenured faculty members, two faculty members who hold NTA appointments and two research faculty.
- (7) In combination, the NTA regular, active-status faculty and the research faculty of SPHHS, who totaled 75 in 2009, have the potential to exercise control over Code-specified governance matters in the SPHHS. In contrast, only 28% (29 of 104) of the faculty members in the SPHHS in 2009 were regular, active-status faculty members with tenured or tenure-accruing appointments (see Figure 1, attached).
- (8) A review of the Columbia University Faculty Handbook and the policies and procedures issued by the office of the dean of The Johns Hopkins University Bloomberg School of Public Health reveals no comparable provisions that grant research faculty the level of participation in governance that they have in the SPHHS. Research faculty members at these two prominent schools of public

health are recognized in various ways, but they are not given full and equal participation in governance with respect to core academic issues.

The unintended consequences of the footnote on page 18 of the Faculty Code clearly undermine Code-compliant faculty governance in the SPHHS and must be remedied if similar problems are to be avoided in the future. Members of the research and NTA faculty in the SPHHS are appointed on short-term contracts (typically for one year), and they therefore may not have the necessary security of employment to express their independent views on Code-specified governance matters in a manner comparable to the independent voice of tenured faculty.

In schools within the University outside the Medical Center, research faculty do not participate in Code-specified governance matters in schools and departments. Research faculty do not hold regular, active-status appointments under Article I.B.1 of the Faculty Code and, instead, hold research staff appointments under Article I.B.4 of the Faculty Code. Consequently, research faculty in all schools within the University are not counted for purposes of applying the 75% and 50% requirements set forth in Article I.B.1. Because research faculty in the SPHHS are not counted for purposes of applying the 75% and 50% requirements under Article I.B.1., it is contrary to the purposes and objectives of Article I.B.1. to permit research faculty to participate in Code-specified governance matters in the SPHHS pursuant to the footnote on page 18 of the Faculty Code.

The Committee on Professional Ethics and Academic Freedom has determined that the SPHHS will not achieve true compliance with Article I.B.1 of the Faculty Code and Parts A through D of the Procedures unless the asterisked footnote on page 18 is amended to remove the SPHHS from the scope of that footnote. Accordingly, the Committee recommends that the Faculty Senate adopt the following resolution. The Committee wishes to emphasize that, except for Code-specified governance matters, the resolution would not affect the rights of research faculty of the SPHHS to participate in the governance of the SPHHS or the governance of the Medical Center pursuant to the Medical Center Organization Plan.

Resolution

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

1. That, in Article I.B.1. of the Faculty Code, the phrase "The foregoing shall not apply to the Medical Center faculty who are stationed at affiliated institutions" shall be amended to read "The foregoing shall not apply to the faculty of the School of Medicine and Health Sciences who are stationed at affiliated institutions."
2. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code ("Procedures"), on page 18, be amended to read as follows, effective on June 30, 2010:

“In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term “regular” faculty appears in this document.”

3. That, following adoption of the foregoing amendment by the University’s Board of Trustees, the Dean of the School of Public Health and Health Services (“SPHHS”) shall take appropriate steps, in collaboration with the faculty of the SPHHS, to develop governance procedures for the SPHHS (including appropriate school and departmental bylaws) that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.
4. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.
5. That the report by the Dean of the SPHHS referred to in Paragraph 4, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate
March 3, 2010

ATTACHMENT 1

RELEVANT SECTION OF THE MEDICAL CENTER

FACULTY ORGANIZATION PLAN

The Medical Center Faculty Organization Plan states in Article II. The Medical Center Faculty

Assembly, Section 1. Membership, that:

The voting membership of the Faculty Assembly shall consist of all faculty members in the following grades of academic service:

1. Professor, Associate Professor, Assistant Professor, Instructor.
2. Clinical Professor, Professorial Lecturer, Associate Clinical Professor, Associate Professorial Lecturer, Assistant Clinical Professor, Clinical Instructor, Lecturer, Special Lecturer, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor.
3. Research Professor, Associate Research Professor, Assistant Research Professor, Research Instructor

In addition, such members of the Administrative Board as might not otherwise be qualified for membership shall be members of the Faculty Assembly.

This list includes the entire range of faculty ranks. "Voting membership" makes no distinction as to tenured or nontenured faculty or if "voting members" hold regular, active-status appointments or research appointments. The footnote on page 18 of the Faculty Code has been interpreted in the Medical Center to mandate that all like-designated faculty members in the SPHHS are eligible to vote in the same manner as regular active-status faculty, regardless of tenure, on all matters pertaining to governance of the SPHHS.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Non Tenure Track	7	10	11	9	9	10	11	18	22	20	20	24	30
Research	4	1	3	4	3	11	12	13	17	18	26	32	45
Tenure/Tenure Track	8	7	7	8	6	13	13	16	15	17	17	21	29
	19	18	21	21	18	34	36	47	54	55	63	77	104

Figure 1
School of Public Health and Health Services
Non Tenure, Research and Tenure/Tenure Track Faculty 1997- 2009
****Prior to 2004 - no tenure track****

